

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

220

FAO No.3786 of 2012 (O&M)

DATE OF DECISION: January 16, 2015

National Insurance Company Ltd.

....Appellant.

VERSUS

Amrita and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. Ashwani Talwar, Advocate
for the appellant.

Mr. Surinder Garg, Advocate
for the respondent.

MAHAVIR S. CHAUHAN, J.(Oral)

This is an appeal against the award dated 06.02.2012, whereby learned Motor Accident Claims Tribunal, Muktsar (for short-'the Tribunal'), has awarded compensation amounting to Rs.7,80,000/- alongwith interest @ 7% per annum in favour of the applicants-respondents no. 1 to 4 on proof of death of Darshan Kumar, aged about 22 years, in a motor vehicle accident caused on account of rash and negligent driving of bus bearing registration No.PB-30D-8578 by Manjeet Singh (respondent no.6). The bus belonged to New Deep Bus Service and was insured with National Insurance Company Ltd., the appellant herein.

Claim application was contested by the respondents. Issues were framed. Evidence was adduced. Parties were heard by the learned Tribunal

before passing the aforesaid award.

While awarding compensation in favour of the claimants, the learned Tribunal held the respondents (including the appellants) jointly and severally liable to pay the amount of compensation subject to the indemnity clauses contained in policy of the insurer Exhibit-RX.

I have heard learned counsel for the parties.

It is argued by Mr. Ashwani Talwar, Advocate, learned counsel for the appellant that Manjeet Singh, driver of the offending vehicle was holding two licences Exhibit-R-1 issued by Licensing Authority, Amritsar and renewed by Licensing Authority, Jalandhar and Exhibit-RW3/B issued by Licensing Authority, Faridkot and renewed by Licensing Authority, Muktsar Sahib. He also points out that the driving licence Ex.RW3/B was found to be fake and motor vehicle rules prohibit possession of more than one driving licence by one person.

The contention is resisted by learned counsel appearing for respondents no.6 and 7 and it is argued that driving licence Ex.RW-3/B having been found to be fake, it can not said to be a case of two driving licences. As regards driving licence Exhibit-R1, it has remained unproved that it was fake driving licence because according to report Exhibit-R3 the original record was stated to be lost in some bomb blast.

After hearing learned counsel for the parties and on appraisal of record, it is found that driving licence Exhibit-RW3/B was found to be fake on verification and that being so the only driving licence held by Manjeet Singh was Exhibit-R1. A report was sought from Licensing Authority, Amritsar, it in respect of its validity and vide report Exhibit-R3 said licensing authority exhibited its helplessness saying that it seems that

original record of the office was lost in a bomb blast. This report cannot be read to mean that the driving licence Exhibit-R1 held by Manjeet Singh, driver of the offending vehicle was a fake driving licence. In this view, the contention raised on behalf of the appellant cannot be countenanced.

No further contention has been raised on either side.

Dismissed.

No costs.

(MAHAVIR S. CHAUHAN)
JUDGE

January 16, 2015.

komal