210.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3450 of 2013 (O&M)
Date of decision: 17.12.2015

United India Insurance Company Limited ... Appellant

versus

Davender Singh and others .... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. M.B. Jain, Advocate, for the appellant.

Mr. Neeraj Khanna, Advocate, for respondent No.1.

Mr. Anurag Singh Tangra, Advocate, for respondent No.2.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. *(Oral)*

1. The appeal by the insurer is on issue of quantum and liability. It is a case of injury where an amount of ₹1,64,374/- was awarded and the bulk of compensation related to the medical expenses incurred. I do not think there is any error in the assessment and I confirm the same.

2. As regards the issue of liability, the Insurance Company attempted to see that the original issue of licence was forgery. It was the contention of the insurer that the renewal of licence was proved to be fake and, therefore, it must be a matter of assumption that the original issue was also fake. The owner of the vehicle gave evidence to the effect that he saw the driving licence and believed the same to be true. This point has been specially adverted to by the Supreme Court in ***Pepsu Road Transport Corporation Versus National Insurance Company-2013 (4) SCC (Cri) 768*** that there is no necessity on the part of the owner to make verification again from the DTO's office. All that would be necessary to obtain indemnity is the bona fide belief that on inspection of driving licence, the owner believed the licence to be true. That evidence was surely available in this case and the court was therefore justified in providing for a full indemnity to the owner. There is no scope for interference with the award already passed and I decline to make any interference. The appeal is dismissed.

3. The amount which has been deposited shall be transmitted to the Tribunal for satisfaction of the award. If full satisfaction is recorded, the Insurance Company shall be permitted to withdraw the same.

(K.KANNAN)
JUDGE

17.12.2015
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