

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.1749 of 2015 (O&M)
Date of Decision: March 24, 2015**

Kuljeet Singh

.... Appellant

vs.

Surinder Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Sham Lal Bhalla, Advocate for the appellant.

Kuldip Singh J.

Kuljeet Singh, owner of the offending vehicle Balero Camper DX bearing registration No.PB-13N-4686, has filed the present appeal against the Award dated 06.05.2013 passed by Motor Accident Claims Tribunal, Patiala (in short 'the Tribunal') along with an application for condonation of delay of 566 days in filing the present appeal.

The plea of learned counsel for the appellant is that the liability of the owner has been fixed and the Insurance Company has been given recovery rights against the owner, on the account of the fact that the driving licence of the driver of the offending vehicle, namely, Gurpreet Singh, was found to be fake.

It has been argued that the concerned record was not produced. Therefore, the said finding could not be recorded.

A perusal of the impugned Award shows that before the Tribunal, a copy of the driving licence Ex.RW2/A issued to Gurpreet Singh, driver of the offending vehicle was produced. The licence was bearing No.1670/MTR/8000, dated 16.02.2000. To prove the said driving licence, Sunil Kumar, Licence Clerk of Asstt. Regional Transport Authority, Mathura was examined as RW1. He produced the record of said driving licence. He stated that the said licence was issued in the name of Manoj Kumar Singh son of Chander Shekhar Singh, having date of birth 05.03.1974 for driving LMV for the period from 06.03.2000 to 05.03.2020. The photocopy of the said entry was produced in file as Ex. R-1. The licence produced in the present case was in the name of Gurpreet Singh for the period from 22.07.2003 to 21.07.2011, which shows that the licence produced by the driver and owner of the offending vehicle is fake.

Learned counsel for the appellant has further argued that the owner had taken the driving test of the driver and had checked the driving licence. Therefore, he cannot be fastened with the liability for reimbursement to the Insurance Company.

I am of the view that Gurpreet Singh, driver of the offending vehicle belongs to a village in Malerkotla, District Sangrur. If he produced the driving licence issued by Regional Transport Authority, Mathura, it could be a *prima facie* reason to suspect that as to why the licence of a far away place was produced with which Gurpreet Singh, driver had no connection.

It being so, the recovery rights to the Insurance Company were rightly granted. Consequently, there is no ground to condone the delay of 566 days in filing the appeal. Thus, the application for condonation of delay is dismissed. Accordingly, the present appeal also stands dismissed.

March 24, 2015
sarita

(KULDIP SINGH)
JUDGE