

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

-:-

**F.A.O No. 61 of 2015 (O&M)
Decided on : January 07, 2015**

Hardeep Singh

... Appellant.

Versus

Babli & Ors.

... Respondent

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

Present : Mr. R.S.Mamli, Advocate, for the appellant.

Mahavir S. Chauhan, J. (Oral)

Award dated 29.09.2014 passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari ('the Tribunal' – for short) is under challenge in this appeal brought by the owner of the offending vehicle i.e. the truck bearing registration No. HR-65A-0173.

Babli, an injured in the motor vehicle accident, which took place on 07.09.2009 involving the above referred truck, had approached the learned Tribunal for grant of compensation on account of injuries received by her in the occurrence. The application was contested by the respondents by filing written statements. Issues were framed. Evidence was adduced. Learned Tribunal on hearing the parties and on appraisal of the evidence available on record, vide award dated 29.09.2014, awarded compensation amounting to Rs.1,61,213/- in favour of the applicant and held driver and owner of the offending vehicle liable to pay the compensation.

I have heard Mr. R.S.Mamli, Advocate, learned counsel for the appellant. He has very ably argued that onus to prove issue No.3 was on insurance company, but no evidence was led by the insurance company to prove that the driving licence held by driver/respondent No.1 – Balram was fake or an invalid driving licence and as such no liability could be fastened upon the appellant.

A perusal of the impugned award further reveals that respondent – Balram, driver of the offending vehicle, appeared as RW-1 before the learned Tribunal and while placing on record his driving licence Exhibit RW-1/A has admitted in his cross-examination that he did not visit Nagaland from where driving licence under question was stated to have been issued, and, instead the said driving licence was procured by him from an agent operating at Kurukshetra.

In view of this admission of the driver, the question of onus to prove Issue No.3 falls into insignificance.

Nothing to the contrary has been shown during the course of hearing.

Though, written statement is not made part of the record in this appeal, but on the asking of Court learned counsel for the appellant has gone through the written statement filed by the appellant before the learned Tribunal and it transpires that the appellant did not plead that before employing/engaging Balram as driver to drive the truck in question he had verified genuineness of the driving licence or had satisfied himself about the driving skills of the driver. In view of this, the appellant cannot avoid the

liability arising from negligent driving of the said driver

In the consequence, I do not find any reason to interfere with the well reasoned award passed by the learned Tribunal.

Dismissed.

January 07, 2015
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[Mahavir S. Chauhan]
Judge