

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

CM-441-C of 2015 in/and
FAO No.99 of 2015 (O&M)
Date of Decision: 31.03.2015

Paramjeet Singh

.... Appellant

vs.

Satish Kumar and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.J.S.Cooner, Advocate
for the appellant.

Kuldip Singh J.(Oral)

CM-441-C of 2015

There is delay of 30 days' in filing the appeal.

For the reasons mentioned in the application, the delay of
30 days' in filing the appeal is condoned.

Application is accordingly disposed of.

FAO No.99 of 2015

This appeal has been filed by the owner of canter bearing
registration No.HP-64-0658, namely, Paramjeet Singh against the award
dated 06.09.2014 passed by the Motor Accident Claims Tribunal, Ambala,
whereby Tribunal passed the award to the tune of Rs.1,20,000/- along with
interest @ 7.5% per annum from the date of the claim petition till the date
of actual payment against the respondents. Recovery right has been given

to the Insurance Company to recover the amount of compensation from

owner and driver of offending vehicle (i.e. Canter bearing No.HP-64-0658).

The undisputed facts are that on 09.08.2008 at about 5.00 p.m., claimant met with an accident with the offending canter bearing registration No.HP-64-0658 which was insured with respondent No.3. A short point raised by learned counsel for the appellant is that the vehicle was insured and the licence of the driver was also genuine. Learned counsel for the appellant has also placed reliance on the authority of the Hon'ble Supreme Court in **Lal Chand Vs. Oriental Insurance Company Ltd., 2006(4) RCR (Civil) 204** and another authority of this Court in **Sant Baba Labh Singh Vs. Santto, 2008(3) RCR (Civil), 210.**

I am of the view that the above stated authorities do not help the appellant. The driver was belonging to village Basati, District Kangra (H.P.). The driving licence was issued from Mathura and was recorded to be valid from 20.05.2006 to 19.05.2009. Before the Tribunal, Clerk of said DTO was examined, who proved that the driving license produced by respondent is fake. The driving license was issued in the name of one Mahesh Kumar of Mathura. When a man belonging to a village Basati, District Kangra gets the license from Mathura, it could be prima facie ground to doubt that the license of the driver is not genuine. The owner cannot be allowed to take shelter of the fact that he merely looked at the license and thought to be genuine. This is not the bona fide conduct of the owner.

In view of the above, I do not find any infirmity or illegality in the impugned award.

The appeal is, accordingly, dismissed.

March 31, 2015
anju

(KULDIP SINGH)
JUDGE