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HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Appeal No. 2547 of 2000**

The New India Insurance Co. Ltd. Korba, District Bilaspur, Chhattisgarh, Through its Branch Manager.

---- Appellant**Versus**

1. Hirmat Bai widow of Jethuram aged 36 years.
2. Anand Kumar W/o Jethuram, age 17 years.
3. Bhagvantin W/o Jethuram aged 15 years.
4. Tiharin S/o Jethuram aged 14 years.
5. Bhagirathi S/o Jethuram, aged 12 ½ years.
6. Dhaneshwar S/o Jethuram aged 11 years.

Resp. No. 2 to 6 being minor through their mother Hirmat Bai Widow of Jethuram. All R/o village Parsada Kala Police Station Baradwar, Tehsil Sakti, District Bilaspur, Chhattisgarh.

7. S.N.Agrawal C/o Balaji Gas Agency, Transport Nagar, Korba, District Bilaspur, Chhattisgarh.
8. Maharaja Singh @ Ramjeet Singh, R/o Ramsagar Para Korba, District Bilaspur, Chhattisgarh.

---- Respondents

For Appellant : Shri Saurabh Sharma, Advocate.
For Respondents No. 1 to 6 : Shri H.S.Patel, Advocate

Hon'ble Shri Deepak Gupta, Chief Justice**Judgment on Board****12/07/2016**

1. The only ground raised in this appeal by the Insurance Company is that it had got the driving licence produced by the owner/driver of the truck verified and on verification, the Surveyor obtained reports from the Regional Transport Office, Jhansi and Regional Transport Office, Bilaspur that no such driving licence was issued by them.
2. The Insurance Company did not summon any officer from Regional Transport Office, Jhansi or Bilaspur. It did not even examine the Surveyor but only examined the official from the office who produced the report of the Surveyor.

Mere proof of this document is not the proof of the contents therein. The best evidence was the production of original records of the concerned transport authorities who had allegedly issued the driving licence to the driver of the truck. Since the Insurance Company has not produced the original records, it cannot escape from its liability.

3. Accordingly, the appeal is dismissed.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE