

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

FAO-519-1993

Date of decision : 29.01.2016

NEW INDIA ASSURANCE COMPANY LIMITED

..... APPELLANT

VS

BHAGWATI DEVI & ORS

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Neeraj Khanna , Advocate for the appellant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed against common award of the Motor Accident Claims Tribunal, Hisar dated 02.11.1992 passed in two claim petitions filed by the widow and daughter of the deceased namely Karam Singh who died in a vehicular accident.

The brief facts of the case are that on 24.09.1990 deceased was going on his scooter along with his daughter from Hansi towards Narnaund. He was driving the scooter and his daughter was riding pillion when he was struck by a Canter being driven by respondent No.1 in a rash and negligent manner as a result of which he and his daughter fell on the road resulting into his death and injuries to his daughter. The Tribunal awarded a sum of Rs.3,08,500/- to the claimants who are his widow, minor sons, daughter and parents. His daughter was also awarded a sum of Rs. 12,000/- on account of her own injuries. The insurance company was made wholly liable to pay the amount of compensation.

The only argument raised by learned counsel for the appellant-insurance company is that the driver of the offending vehicle was not having a valid driving licence. In this connection learned counsel has argued that a report of the DTO, Guwahati was placed on the file as per which the driving licence was fake. He has, however, fairly accepted that neither anybody from the office of DTO, Guwahati nor even the investigator who may have made the investigation stepped into the witness box.

In the circumstances no fault can be found with the finding of the Tribunal that the plea regarding the driving licence to be fake was not established.

Appeal is dismissed.

(AJAY TEWARI)
JUDGE

January 29, 2016
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