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

**F.A.O. No.2326 of 1994 (O&M)
Date of Decision : 10.05.2016**

National Insurance Company Ltd. ...... Appellant

versus

Smt. Savitri Devi and others ...... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present : Mr. L.M. Suri, Sr. Advocate
with Ms. Rajni Paul, Advocate
for the appellant.

Mr. Ramesh Hooda, Advocate
for respondent Nos.1 and 2.

None for respondent No.3.

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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 the award dated 21.05.1994 holding the insurance company liable for awarding compensation to the claimants.

Since the dispute is only with regard to the liability of the insurance company the detailed reference to facts is not required. Suffice it to say that initially the settlement was arrived at before the Lok Adalat subject to the verification of valid driving licence. The original licence which was produced was found to be fake. Thereafter, the owner-respondent No.3 produced another licence and after placing reliance on that licence the Tribunal held the insurance company liable. This is a burnt case and learned senior counsel for the appellant has shown me the attested photocopy of the said license and the same is taken on record as Mark 'A'.

Learned senior counsel for the appellant-insurance company has pointed out that actually the Tribunal has misread the said licence in so much as it held that the licence was valid upto 20.09.1993 whereas actually it was issued on 20.09.1993 and was valid upto 19.09.1996 and the accident had taken place on 04.10.1990. Consequently, as per the learned senior counsel even this licence would not serve to fasten liability on the appellant-insurance company.

Learned counsel for the respondents No.1 and 2-claimants is not in a position to deny this fact.

None has entered appearance on behalf of the respondent No.3 despite service. In the circumstances, it has to be held that respondent No.3 was not able to prove a valid driving licence and consequently the insurance company was wrongly foisted with the liability.

Resultantly, the appeal is allowed. The recovery rights are granted to the insurance company against respondent No.3.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 10, 2016
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