IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO No.1092 of 1995 (O&M)

Date of decision : 01.09.2016

Oriental Insurance Company Ltd.

......Appellant

Versus

Gurjit Kaur and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Sanjiv Pabbi, Advocate for appellant.

Respondent No.6 *ex parte*.

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DARSHAN SINGH, J.

The present appeal has been preferred by the Oriental Insurance Company against the award dated 10.01.1995 passed by the learned Motor Accidents Claims Tribunal, Sangrur (hereinafter called the "Tribunal") vide which respondents No.1 to 4-claimants have been awarded compensation to the tune of Rs.2,30,000/- on account of death of Jagtar Singh in the motor vehicular accident, which took place on 13.06.1990.

2. The present appeal has been preferred by the appellant-Insurance Company (who was impleaded as respondent No.4 in the claim petition) to assail the award.

3. The present appeal was posted at the stage of impleading the legal representatives of respondent No.5 and furnishing the current and complete address of respondent No.7. Learned counsel for the appellant-Insurance Company has pleaded that the main purpose of filing this appeal

is denial of recovery rights to the appellant-Insurance Company. This short question could be decided even without impleading the legal representatives of respondent No.5 and serving respondent No.7. So, learned counsel for the appellant was asked to address the arguments for disposal of the main appeal.

4. I have heard learned counsel for the appellant and have gone through the paper-book carefully.

5. Mr. Sanjiv Pabbi, Advocate, learned counsel for the appellant contended that respondent No.5 Balwinder Singh was not having the valid driving licence at the time of the accident which was established from the verification report produced in evidence by the appellant-Insurance Company. So, the appellant-Insurance Company was entitled for the recovery rights.

6. I have duly considered the aforesaid contentions.

7. The appellant-Insurance Company has produced the report Ex.R2 to show that respondent No.5 Balwinder Singh the driver of the vehicle was not having the valid driving licence at the relevant time but the respondent-Insurance Company has not examined the concerned official of the office of the concerned Licensing Authority to prove the said report. It is settled principle of law that the verification report is not *per se* admissible document. The appellant-Insurance Company was required to lead evidence to prove the said report in accordance with law. To support this view, reference can be made to cases ***National Insurance Company Ltd. Vs. Santosh and others 1999 ACJ 1262, New India Assurance Company Ltd.***

Vs. Jyoti Lal Mahato and another 2004 ACJ 1935 and ***Bajaj General Insurance Company Ltd. Vs. Mahesh Kumar 2010(2) RCR (Civil) 785.***

8. Thus, the appellant-Insurance Company has failed to establish that the driving license of respondent No.5 Balwinder Singh was fake and the insured has violated the terms and conditions of the insurance policy. Therefore, no fault can be found in the findings recorded by the learned Tribunal in fastening the liability on the appellant-Insurance Company.

9. Consequently, the present appeal being without any merit is hereby dismissed.

01.09.2016 **(DARSHAN SINGH)**
sunil yadav **JUDGE**

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No