

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1316 of 1995 (O&M)

Date of Decision : 25.07.2016

Oriental Insurance Co. Ltd.

.....Appellant

Versus

Smt. Sumitra and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. J.S. Chatrath, Advocate for
Mr. Ashwani Talwar, Advocate
for the appellant.

Mr. S.S. Nain, Advocate
for Mr. R.N. Lohan, Advocate
for respondent no. 7.

Surinder Gupta, J.

Heard.

2. This is appeal by Oriental Insurance Company Ltd. against award dated 17.02.1995, passed by Motor Accident Claims Tribunal, Jind (later referred to as 'the Tribunal') allowing compensation of ₹1,20,000/- for death of Ajit Singh in a motor vehicle accident with truck bearing registration No. HRJ-411 (later referred to as 'the offending vehicle').

3. Insurance Company has challenged award on the ground that driving licence of respondent no. 7-Ramesh Kumar, who was driving the offending vehicle at the time of accident was fake but the Tribunal has not allowed any recovery rights to Insurance Company as per observations of Apex Court in case **National Insurance Company Ltd. vs. Swaran Singh and others, 2004 (3) SCC 297.**

4. Before the Tribunal, appellant-Insurance Company has examined licencing clerk of Licencing Authority, Jind, who had proved

renewal of driving licence of respondent no. 7 but no attempt was made to

examine any witness of Licencing Authority, Gwalior from where the licence was issued. Letter dated 27.09.1994 (Ex. R-5) was relied upon by the Insurance Company to prove that driving licence of respondent no. 7-Ramesh Kumar bearing No. 61443/78 dated 10.02.1978 was fake.

5. The above report was discarded by the Tribunal on the ground that examination of concerned clerk of the Licencing Authority, Gwalior would have helped in determining the issue whether the driving licence was forged or genuine document. In the absence of any evidence produced by Insurance Company to prove that the driving licence of respondent no. 7-Ramesh Kumar was fake, the conclusion drawn by the Tribunal cannot be faulted.

6. No other argument has been advanced by learned counsel for the appellant.

7. This appeal has no merit and the same is dismissed.

July 25, 2016
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No