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

FAO No.2137 of 1995 (O&M)

Date of decision: 09.05.2016

National Insurance Company Limited

... Appellant

versus

Girdhari Lal and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Aseem Aggarwal, Advocate,
for the appellant.

None for the respondents.

K.Kannan, J. (Oral)

The appeal is by the Insurance Company to plead that the driver did not have a valid driving licence. It was a case where the owner had given evidence that on seeing the driving licence, he was under the impression that it was genuine and he acted bona fide on the copy of the driving licence produced before him. The owner's own belief that the document was genuine will secure to him the benefit of indemnity, for, without proof of connivance of the driver in fabrication of the driving licence, the owner cannot be denied the right of indemnity in terms of the decisions of the Supreme Court in

National Insurance Company Limited Versus Swaran Singh

(2004) 3 SCC 297 and **Pepsu Road Transport Corporation Versus**

National Insurance Company-2013 (4) SCC (Cri) 768. The order passed by the court below would require to be supported in the light of law authoritatively laid down in the two cases above. The appeal is dismissed.

**(K.KANNAN)
JUDGE**

09.05.2016
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