

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2222 of 1995(O&M)

Date of decision : 31.05.2016

United India Insurance Co. Ltd.

..... Appellant

versus

Ramesh Kumar

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. S.P.Dhamija, 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 by the insurance company praying that recovery rights should have been granted since the driver did not have a valid driving licence. None has appeared for the respondent despite service.

Learned counsel has argued that before the Tribunal it was proved that the original licence was fake but the Tribunal held that since the renewal was valid, liability could not have been foisted upon the owner. Learned counsel has relied upon **M/s United India Insurance Co. Ltd. v. Davinder Singh** reported as 2008 AIR(SC) 329 to contend that the law laid down by the Tribunal is no longer good law. None has appeared to oppose the appeal despite service. Even otherwise the position of law as stated by learned counsel for the appellant is established.

In the circumstances it has to be held that the renewal of a fake licence cannot validate as original. Consequently the appeal is allowed.

Recovery rights are granted to the insurance company against the owner.

Since the main case has been decided, the Civil Misc.
Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 31 , 2016
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