

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

**F.A.O No. 1446 of 1996(O&M)
Date of decision :05.02.2016**

Natinal Insurance Company Ltd.

..... Appellant

Versus

Harsarup and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Suman Jain, Advocate
for the appellant.

None for respondent no.3.

DARSHAN SINGH,J

The present appeal has been preferred by respondent no.3- National Insurance Company Ltd against the award dated 06.03.1996 passed by the learned Motor Accident Claims Tribunal (for short 'Tribunal'), Hisar, vide which the claimant-respondent no.1-Harsarup was awarded the compensation to the tune of Rs. 40,000/- on account of the injuries suffered by him in the motor vehicular accident, which took place on 21.04.1994.

2. The present appeal has been preferred by the appellant- Insurance Company disputing its liability to pay the award amount.

3. I have heard Mr. Suman Jain, Advocate, learned counsel for

the appellant and have meticulously gone through the paper book.

4. Initiating the arguments, learned counsel for the appellant contended that mere renewal of the fake license will not make it valid, which is the settled principle of law. But, the learned Tribunal has wrongly held that as the license of respondent no.1 was renewed by Licensing Authority, Hisar, so it shall be considered valid. As respondent no.1 was not holding valid license on the date of accident so the appellant-Insurance Company is not liable to payment of amount of the compensation.

5. I have duly considered the aforesaid contentions.

6. As per the statement of respondent no.2-Jagdish, the driver of the vehicle had obtained license No. 3981-R from Licensing Authority, Allahabad. The basic/original driving license of respondent no.2-Jagdish, the driver of the vehicle was issued from Allahabad. The appellant-Insurance Company was required to establish that the basic/original driving license of respondent no.2-Jagdish was fake. But, the appellant-Insurance Company has not examined any official from the office of Licensing Authority, Allahabad nor any report from that Licensing Authority has been placed on record to show that original driving license of respondent no.2-Jagdish was fake. Once, the original driving license of respondent no.2-Jagdish the driver of the vehicle was not proved to be fake, the contentions raised by learned counsel that subsequent renewal of driving license will not make it valid, carries no substance.

7. Thus, I do not find any illegality in the impugned award passed by the learned Tribunal fastening the liability on the appellant-

Insurance Company. Therefore, the findings of the learned Tribunal do not call for any interference.

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

February 05, 2016

s.khan

**(DARSHAN SINGH)
JUDGE**