

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1457 of 1996 (O&M)

Date of decision : May 17, 2016

United India Insurance Co. Ltd. Bhatinda

..... Appellant

v.

Joginder Kaur and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Vipul Sharma, Advocate
for Mr. Paul S Saini, Advocate
for the appellant.

Mr. Surinder Garg, Advocate
for respondent No.8.

1. **Whether Reporters of Local Newspapers 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 against the Award of the MACT Faridkot dated 15.2.1996. Since the dispute is between the Insurance Company and the owner, detailed reference to the facts is not necessary.

Counsel for the Insurance Company has argued that the driving licence Ex.R2 was shown to be a fake licence and, therefore, recovery rights should have been granted.

Counsel for respondent No.8, on the other hand, states that the driver had appeared in the witness box and stated that he had never given licence to the police and actually his licence, Ex. R3 was a different licence

which was issued at Hyderabad and the Insurance Company having not succeeded to prove that this licence was a fake licence has rightly been foisted with the liability.

Counsel for the appellant on the other hand has argued that at one stage, the Insurance Company had moved an application before the MACT directing the driver-respondent to place on record his licence and in reply, it had been stated by the driver-respondent that his licence was available on the criminal court file. As per him, once the driver-respondent had taken a categorical stand that his licence was lying on the criminal court file, he could not thereafter turn around and take a plea that he had never given this.

Counsel for respondent No.8 states that the said reply had been filed through the counsel and probably respondent No.8 did not even understand the true import thereof. In any case, once it was proved that he had a genuine driving licence, it did not lie in the mouth of the Insurance Company to raise such a nitpicking argument.

I find weight in the argument of counsel for respondent No.8 and consequently dismiss this appeal being devoid of any merit.

May 17, 2016
'kk'

(AJAY TEWARI)
JUDGE