

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

F.A.O. No.1074-1999 (O&M)

Date of decision : 30.03.2016

The New India Assurance Company Ltd.

..... Appellant

versus

Om Kanwar and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Neeraj Khanna, Advocate
for the appellant.

Mr. Anil Dutt, Advocate
for respondent No.1.

Mr. Ravi Kant Sharma, Advocate
for respondent No.2.

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 against the judgment and order dated 28.11.1998 passed by the Motor Accident Claim Tribunal, Sonapat.

The brief facts of the case are that on 22.12.1996 at about 10.00 PM respondent No.1 was travelling in a Maruti Van bearing registration No.DL-3CD-3166 when his vehicle got involved in an accident with a truck bearing registration No.HR-46-2540 in the vicinity of Civil Hospital, Sonapat. The truck in question came from the side of Bahalgarh village at a

very fast speed and rammed into the Maruti Van. The respondent No.1 suffered grievous injuries in the accident. Respondents No.3 and 4 contended that respondent No.1 has concocted a false story for claiming compensation amount from them. The Tribunal awarded a sum of Rs.1,18,000/- on account of compensation to the respondent No.1 with interest @ 12% p.a. with effect from the date of filing of this petition till its final realization. Tribunal further held that the respondents are jointly and severally liable to pay the compensation amount.

On 14.03.2014 the following order was passed :-

“In this case a witness had been summoned by this Court whose evidence was recorded. The counsel for the appellant has filed the copy of the order passed by this Court recording the fact that a witness had been brought before the Court and this court had also recorded his evidence. The original papers have been burnt and even the copy of the papers are not available with the counsel for the appellant and under the special circumstances, it has become necessary to summon witness again from the DTO office at Karnal.

The appellant will take fresh steps and pay the necessary charges that the witness being brought before this Court.

Issue summon for appearance before this Court for hearing date on 24.04.2014.

Issue notice to the 2nd respondent as well for the adjourned date.”

Thereafter the DTO Office, Karnal certified that the licence No.S-1457 had not been issued from that office but may have been issued by the office of SDO (Civil), Karnal. Report from the office of SDO (Civil), Karnal has been received whereby it has been mentioned that

driving licence No.S-1457 has not been issued from this office. On an earlier occasion same response had been received from the office of RTA, Karnal also.

In the circumstances, it is hard to resist the conclusion that the driving license which was presented by respondent No.2 was not valid and therefore, the Insurance Company would be entitled to recover the compensation it has paid from the owners and driver i.e. respondents No.2, 3 and 4.

Resultantly, the appeal is allowed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 30, 2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**