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

F.A.O. No.611-1997 (O&M)
Date of decision : 07.04.2016

National Insurance Company Limited ...... Appellant

versus

Deepanshu and others ...... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present : Mr. Manmohan, Advocate
for the appellant.

Ms. Suman Devi, Advocate for
Ms. Deepali Puri, Advocate
for respondents No.4 and 5.

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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 award dated 20.11.1996 whereby it was foisted with the liability to pay compensation of Rs.1,92,000/- to the respondents No. 1 to 3 alongwith interest @ Rs.12% p.a.

Since the dispute lies in a narrow compass it would not be necessary to refer to the detailed facts.

Learned counsel for the appellant has argued that originally the respondent No.4 had placed on record one driving licence which was exhibit R-3. The appellant had produced the officials of the concerned

DTO who had stated that the licence was not issued from that authority. After the evidence was closed the respondent No.4 introduced another driving licence (exhibit R-8) and without giving any opportunity to the Insurance Company the Tribunal had accepted that driving licence and burdened the Insurance Company with the liability.

On 06.03.2014 the following order was passed :-

> *"The Insurance Company is at liberty to make verification of the genuineness of the license marked as R-8 said to have been produced by the driver during the course of trial.*
>
> *Adjourned to 7.4.2014."*

Thereafter the report dated 27.06.2014 was received from the Licensing Authority, Gwalior with an annotation that licence No.6058/90 was never issued by that office.

In these circumstances, it has to be held that the liability was wrongly foisted on the appellant-Insurance Company.

Resultantly, that portion of the award is set aside and recovery rights are granted to the appellant-Insurance Company against the respondents No.4 and 5.

Appeal stands allowed.

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

(AJAY TEWARI)
JUDGE

07.04. 2016
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