

513.

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

FAO No.2264 of 2006 (O&M)

Date of decision:04.02.2016

National Insurance Company Limited

... Appellant

versus

Smt. Prem and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr.Jagjit Singh, Advocate,
for Mr. Ashwani Talwar, Advocate,
for the appellant.

None for the respondents.

K.Kannan, J. (Oral)

1. There is no representation for the respondents.
2. The appeal is on an issue of liability by the insurer.
Though there is a ground taken that the deceased was a gratuitous passenger, the counsel would restrict his argument to a plea of want of driving licence for the driver. The accident had taken place on 25.05.2004, but at the relevant time, there was no current driving licence. It was actually renewed only on 13.09.2004 as the document (Ex.R1) filed before the Tribunal revealed. The licence had actually expired on 30.04.2007 itself and between the date of expiry and renewal, the accident had taken place. Evidently, the

driver did not have an effective driving licence on the date of accident.

3. The claimants cannot suffer by this process and by upholding the liability for the insurer for the claim of the representatives of the deceased, the insurer will have a right of recovery against the owner and driver in the execution proceedings after satisfying the claim to the claimants.

4. The award is modified as regards liability and the appeal by the insurer is partly allowed to the above extent.

(K.KANNAN)
JUDGE

04.02.2016
sanjeev