

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

**FAO-223-2010 (O&M)
Date of decision : 12.01.2016**

Surat Singh

..... Appellant

versus

Sanjay and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vikas Mor, Advocate
for the appellant.

Mr. Jagjeet Beniwal, Advocate
for the claimants-respondents No.1 & 2.

Ms. Richa Mittal, Advocate for
Mr. R.C. Gupta, Advocate
for respondent No.3.

Mr. D.R.Bansal, Advocate
for respondent No.5.

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 driver against the award dated
30.05.2009 absolving the Insurance Company.

The brief facts of the case are that on 30.04.2006 the
respondent No.1 was travelling in Jeep No.HR-16A-0276 owned and driven
by respondent No.4 and was going from Chang to Bhiwani to return/return

the unconsumed ice cream purchased on the occasion of marriage of niece of the respondent No.4 to the dealer at Bhiwani. Claimant-Respondent No.1 was sitting on front seat of jeep along with respondent No.4 and when they reached near Taj factory one Dumper No.HR63-0996 being driven by appellant at a very high speed, rashly and negligently was coming from Bhiwani side for going towards Meham side and the appellant due to rash and negligent driving dashed the dampher with side of the jeep and as a result thereof the claimant-respondent No.1 suffered injuries and he become unconscious. The appellant after causing the accident fled away from the spot and claimant-respondent No.1 was removed to General Hospital, Bhiwani by respondent No.4 for treatment.

In para 20 of the award it has been observed by the Tribunal that the driving licence No.221 in the name of the appellant was never renewed after the year 1963 and consequently held the appellant to be liable to pay the amount along with the owner of the vehicle in question.

Learned counsel for the appellant has argued that actually the licence was valid but the same was not placed on record and has sought to argue that vide CM No.578-CII-2015 the appellant had placed a photocopy of the licence which shows that the same has been renewed.

In the first learned counsel for the respondent No.3 has argued that even that if the appellant wanted to prove that the licence was valid he should have moved an application for additional evidence and by merely putting up on record a photocopy of same it cannot be held that the requirement of law had been met. Secondly he has argued that even the photocopy of the licence placed on record does not show that it was licence

No. 221 and in these circumstances no reliance can be placed on this photocopy, more so when the appellant never appeared before the tribunal to depose and was proceeded against ex-parte.

I find weight in the arguments of learned counsel for the respondent No.3. Neither the licence now sought to be placed on record was placed before the tribunal nor is there any explanation as to what was the number of licence and nor the appellant moved an application for additional evidence.

In these circumstances no fault can be found with the findings of the tribunal absolving the insurance company.

Appeal is dismissed.

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

12.01.2016

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**