

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.3117 of 2012 (O&M)

Date of decision: January 11, 2016.

Charu Arora

..... Appellant

VS.

M/s Oriental Insurance Company Limited and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE K.KANNAN

Present: Mr. Kunal Dawar, Advocate
for the appellant.

Ms. Madhu Sharma, Advocate
for the respondent No.1-Insurance Company.

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?

K.KANNAN,J (Oral)

1. The appeal is by the owner, who has been declined the right of indemnity since the driver was found not to possess a valid driving licence. At the time of trial, the document which was produced as a driving licence was assessed to be a forged and fabricated document. The driver admitted to have filed another document purporting to be genuine licence. The document was rejected out of consideration. The appellant brought the challenge order declining permission in revision but withdrew the same. Consequently there was no other document which

was available on file which could have made possible an inference that the driver had an effective driving licence to driver the vehicle. In a situation where the only document produced was found to be forged the defence of the insurer denying the liability to indemnify, ought to be sustained.

2. I find no justification or ground to interference in the appeal on the issue of liability. The appeal is dismissed.

JANUARY 11, 2016

Rajeev

**(K.KANNAN)
JUDGE**