

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

**FAO No.10142 of 2014 (O&M)
Date of decision : 11.11.2016**

Balwant Singh and others

.....Appellants

Versus

Bakshish Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Madan Gupta, Advocate for appellants.

Mr. Punit Jain, Advocate for

Mr. M.B. Jain, Advocate for

respondent No.3-Insurance Company.

DARSHAN SINGH, J.

The present appeal has been preferred by the appellants-driver and owner of the truck bearing registration No.HP-17B-0984 (respondents No.1 & 2, respectively in the claim petition) against the award dated 27.08.2014 passed by learned Motor Accidents Claims Tribunal, Kapurthala (hereinafter called the “Tribunal”).

2. The said claim petition was filed by respondents No.1&2-claimants under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of death of their son Harjinder Singh in the motor vehicular accident which took place on 29.07.2008 and were awarded compensation to the tune of ₹3,23,000/-. Respondent No.3-Insurance Company was given the recovery rights against the appellants.

3. The present appeal has been preferred by the appellants-

driver and owner of the offending truck to assail the recovery rights given to the respondent-Insurance Company against them.

4. Along with the appeal, the appellants have also moved an application bearing CM No.27989-CII of 2014 to lead the additional evidence to produce the driving licence (Annexure A-1) and verification report with respect to the permit (Annexure A-2). The said application was opposed by the respondent-Insurance Company by filing the short reply along with the report with respect to the verification of the said driving licence.

5. Learned counsel for the appellants contended that the appellants have the valid national permit to ply the vehicle on the date of accident. He further contended that the driver-appellant No.1 was also having the valid driving licence issued by the District Transport Officer, Phek, Nagaland authorizing him to drive the transport vehicle. Thus, he contended that the appellants were not liable to pay the amount of compensation. The respondent-Insurance Company was legally bound to indemnify the insured.

6. On the other hand, learned counsel for respondent-Insurance Company contended that even the driving licence sought to be produced by the appellants in the additional evidence has been found to be fake. So, there is no wrong in the recovery rights given to the respondent-Insurance Company by the learned Tribunal.

7. I have duly considered the aforesaid contentions.

8. Even if the driving licence (Annexure A-1) placed on record

by the appellants is taken into consideration that will not advance the case of the appellants. The respondent-Insurance Company has placed on record the information supplied by the District Transport Officer-cum-Public Information Officer, Phek, Nagaland under the Right to Information Act, wherein it is mentioned that the driving licence No.4636/B/PK/PROF has not been found in the record of that office. Thus, the driving licence (Annexure A-1) is also fake. So, the appellant No.1 Balwant Singh, the driver of the offending vehicle, was not having the valid driving licence to drive the transport vehicle on the date of accident.

9. Thus, I do not find any illegality in the recovery rights granted to the respondent-Insurance Company by the learned Tribunal.

10. Resultantly, the present appeal as well as the application for additional evidence bearing CM No.27989-CII of 2014 are without any merits and the same are hereby dismissed.

11.11.2016

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No