

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

**FAO No. 3108 of 2013
Date of decision :24.05.2016**

Manmohan Singh and another

..... Petitioners

Versus

Santokh Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.D.S.Adlakha, Advocate
for the appellants.

Mr. G.S.Chatrath, Advocate
for Mr. Ashwani Talwar, Advocate
for respondent no.2.

- 1. Whether Reporters of Local papers may be allowed to see the judgment?Yes.**
- 2. To be referred to the Reporters or not?Yes.**
- 3. Whether the judgment should be reported in the Digest?Yes.**

DARSHAN SINGH, J. (Oral)

The present appeal has been preferred by the driver and owner of the Car No. CHO4-H-1313 (respondents no.1 and 2 respectively in the claim petition) against the award dated 21.12.2012 passed by the learned Motor Accident Claims Tribunal (for short Tribunal), Yamuna Nagar at Jagadhri, vide which the respondent no.1-Santokh

Singh/claimant has been awarded compensation to the tune of Rs. 86,400/- along with interest on account of the injuries suffered by him in the motor vehicular accident, which took place on 13.02.2011.

2. I have heard Mr. D.S.Adlakha, Advocate, learned counsel for the appellants, Mr. G.S.Chatrath, Advocate for Mr. Ashwani Talwar, Advocate, learned counsel for respondent no.2 and have carefully gone through the record of the case.

3. Initiating the arguments, learned counsel for the appellants contended that the report regarding driving licence of appellant Manmohan Singh, the driver of the vehicle has been wrongly discarded by the learned Tribunal simply on the ground that in view of the date of issue of licence, the date of validity mentioned therein does not match with the date of birth of the petitioner. He contended that whereas the report sent to the Court by the District Transport Officer, Zunheboto (Nagaland) Ex.P-4 has been relied upon wherein the date of issue of the licence has been shown as 20.11.2011, which was Sunday and no licence could have been issued on that day. Thus, he contended that the learned Tribunal was required to make the further inquiry with respect to the genuineness of the report and respondent-insurance company has been wrongly exonerated.

4. On the other hand, learned counsel for the respondent-insurance company contended that the learned

Tribunal has sought the report from the District Transport Officer, Zunheboto (Nagaland), which is Ex.R-4 which proved that the licence relied upon by appellant no.1 was issued on 20.11.2011, whereas the accident has taken place on 13.02.2011. So, the licence was issued much after the accident and the insurance company was rightly exonerated.

5. I have duly considered the aforesaid contentions.

6. The impugned award shows that appellant-respondent no.1 has produced the copy of his driving licence Ex.R-3. He also produced the verification report Ex.R-7, which shows that his driving licence bearing no. 51921/LTV/Z/2011 has been issued on 20.01.2011 by the District Transport Officer, Zunheboto (Nagaland).

7. Ex.R-4 is the verification report directly received by the Court from the District Transport Officer, Zunheboto (Nagaland), wherein the date of issue of the driving licence of appellant-respondent no.1 Manmohan Singh has been mentioned as 20.11.2011. The present accident has taken place on 13.02.2011. As per the report Ex.R-4, this licence has been issued much after the date of the accident. But, the learned counsel for the appellants contended that the licence could not have been issued on 20.11.2011 as that was Sunday and no licence could be issued on Sunday being holiday. So, the report Ex.R-4 was factually incorrect. He contended that this fact has not been taken into consideration

by the learned Tribunal and the date of issue of licence mentioned in the report Ex.R-7 i.e. 20.01.2011 is correct.

8. It is not disputed that the respondent-insurance company has been exonerated by the learned Tribunal by relying upon the report Ex.R-4 received by the Tribunal directly from the District Transport Officer, Zunheboto (Nagaland) and the report Ex.R-7 produced by the appellant has been discarded on the ground that the date of issue and date of validity do not match in view of the date of birth of the appellant-respondent no.1. But, certainly the learned Tribunal has not taken into consideration the fact that 20.11.2011 was Sunday and it is not possible that the licence could have been issued on Sunday being holiday. Thus, there appears to be some factual mistake in the report Ex.R-4 with respect to the date of issue of the licence. The clarification is also needed with respect to the date of validity mentioned in the report Ex.R-7, which requires further probe by the learned Tribunal.

9. Thus, keeping in view my aforesaid discussion, the present appeal is hereby allowed. The findings of the learned Tribunal on issue no.6 exonerating the respondent-insurance company are hereby set aside. The case is remanded back to the learned Tribunal to probe the matter further with respect to the date of issue of the driving licence of appellant-respondent no.1 and the date of its validity as also its genuineness and validity. The parties will not entitled to lead

any fresh evidence. However, the Tribunal will be at liberty to summon the official of the office of District Transport Officer, Zunheboto (Nagaland) along with the relevant record or get the statement of the official concerned recorded by way of appointment of the Local Commissioner as convenient to the learned Tribunal in order to further probe the matter with respect to the validity, genuineness and effectiveness of the driving licence of appellant-respondent no.1 on the date of accident.

24.05.2016

S.khan

**(DARSHAN SINGH)
JUDGE**