

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.126 of 2016 (O&M)
Date of Decision.20.01.2016

The Oriental Insurance Company Limited

.....Appellant

Vs.

Tarawati and others

.....Respondents

Present: Mr. S.S. Sidhu, Advocate
for the appellant.

Mr. R.S. Mamli, Advocate
for the respondents/caveators.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

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?

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K. KANNAN J. (ORAL)

1. The only point raised by the insurance company is squarely covered by the judgment of the Supreme Court in *Pepsu Road Transport Corpn. v. National Insurance Co., (2013) 10 SCC 217* that states that it is sufficient for an owner to prove his own bona fides by saying that the driving licence was examined at the time when he employed the driver and that he had conducted a test to satisfy himself that the driver knew driving and he had reason to believe that the driving licence was genuine. The Tribunal also says that it is not necessary for the owner to cross verify with the original issue in office to find out whether the driving licence was indeed issued in favour of particular person. It is ultimately the bona fides of the belief that will govern the issue, for the defence by the insurance company must be

rested on whether there had been a violation of terms of policy. If the owner himself has not connived with the driver, there is nothing available for the insurance company to plead for exoneration of liability.

2. There is no merit in the appeal. The appeal is dismissed.

(K. KANNAN)
JUDGE

January 20, 2016
Pankaj*