104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2397-2015(O&M)
Date of decision : 08.01.2016

NEW INDIA ASSURANCE COMPANY LIMITED .... APPELLANT

VS

RATTAN SINGH AND ORS .... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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Present : Mr. Rajnish Malhotra , Advocate
for the appellant.

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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 insurance company against the award dated 29.10.2014 whereby respondents No. 1 and 2 have been awarded a total compensation of Rs. 6,44,000/- along with interest at the rate of 7.5% p.a. from the date of filing of the claim petition till realisation and the same has been ordered to be paid jointly and severally by respondents No. 3 and 4 (driver and owner) along with the present appellant. The appellant-insurance company took the plea that the driver of the offending vehicle was not holding a valid driving licence on the date of the accident but the Tribunal held that since the appellant-insurance company was not able to lead evidence to prove that the driving licnece was fake one it cannot escape form the liability of paying the amount of compensation to the claimant-respondents No. 1 and 2, jointly and severally along with respondents No. 3 and 4. The insurance company has come up before this Court by way of the present appeal taking the plea that the Tribunal has erred in holding it liable for paying the compensation along with other respondents.

On 10.04.2015 the following order was passed:-

> *"It is stated that the evidence of the insurance company was closed by order, even though it had paid diet money for the concerned Clerk to prove that the driving licence is fake.*
>
> *Let original lower court record (not photocopy) be summoned for examination."*

On a perusal of the record it transpires that the evidence was not closed by order but was closed by the counsel for respondent No.3.

In the circumstances the argument raised is neither here nor there.

Resultantly it has to be held that the plea regarding fake licence was not proved by the insurance company.

Appeal is dismissed.

(AJAY TEWARI)
JUDGE

January 08, 2016
sunita