

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

FAO No.1693 of 2016 (O&M)

Date of Decision.22.03.2016

Pardeep Kumar

.....Appellant

Vs.

Kirna Devi and others

.....Respondents

Present: Mr. Piyush Aggarwal, Advocate
for the appellant.

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. In the appeal filed by the owner/driver setting up a defence that he had secured a driving licence from Nagaland, the insurance company relied on information secured from the Public Information Officer, RTI that there had been no such driving licence issued by the relevant Transport Authority. The Tribunal acted on the information furnished under RTI and found that the driving licence produced by the driver was not genuine and directed recoveries to be effected by the insurer against the driver/owner. The counsel refers to me to the decision of this Court in **New India Assurance Company Limited Vs. Vijay Kumar and others 2015(8) RCR (Civil) 596** as holding that burden to prove that the driver was not holding a valid driving licence is on the insurer and if no person from the Transport Authority was examined, the burden of proof cannot be said to have been discharged.

I must observe that the Court in the said case was not dealing with

situation of an insurance company securing information from a Public Information Officer under RTI. An information furnished by statutory authority under RTI is in the nature of public document as per Section 77 of the Indian Evidence Act. The document is ought to be taken without any further proof of what it contains. If the driver were contended that the information furnished was not true, he must take upon himself the burden to prove that the information secured was not correct or the document produced before the Tribunal was not a certified copy issued by the authority who was competent to issue such an information. The Tribunal has taken a correct view by placing reliance on the information furnished under RTI. Section 169 of the Motor Vehicles Act allows for summary procedure to be adopted by Tribunal and it is not even necessary that strict rules of evidence ought to be applied in motor accident claim cases. The Tribunal was justified in acting on information secured under RTI and I will find no reason for interference with the decision already taken by the Tribunal.

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

(K. KANNAN)
JUDGE

March 22, 2016
Pankaj*