

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

Sr. No.353

**FAO No.4196 of 2005
Date of decision : 15.12.2017**

Oriental Insurance Company Limited

..... Appellant

VERSUS

Ajay Gulati and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: None.

SUDHIR MITTAL, J. (Oral)

Pursuant to order dated 09.11.2017, service has been effected on the counsel for the parties. However, none is present on behalf of the parties. The matter pertains to the year 2005 and therefore, I am proceeding to decide the appeal in the absence of learned counsel for the parties.

2. The insurer is in appeal against the Award dated 04.05.2005 passed by the learned Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal'), whereby, the claimants has been granted compensation for injuries suffered by him in the accident, which took place on 04.08.2002.

3. Two separate claim petitions has been filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') on account of an accident, which took place on 04.08.2002, causing injuries to the claimants. The claimants are husband and wife, who were returning from Mata Vaishno Devi Shrine, in a vehicle owned by respondent No.2, which was being driven by one Anuj Gulati. At about 10.30 p.m., the vehicle reached near village Jhuhi Samana and its lights suddenly failed.

The driver lost control and dashed against footpath. Despite his attempts to control the vehicle, it struck against the trees, as a result of which the driver died on the spot and the claimants received injuries.

4. Before the learned Tribunal, the insurer admittedly denied its liability to pay any compensation on the ground that the driver did not hold a valid driving licence. However, no evidence in this regard was produced by it and therefore, the stand was rejected. It was also the stand of the insurer before the Tribunal that the vehicle was being used as a taxi at the time of the accident. However, this contention was also negated by the Tribunal, since no evidence in this regard was brought on the record. In the grounds of the appeal, the same contentions have been reiterated. Having perused the record minutely, I am of the considered view that the appeal is without any merit and there is no evidence on the record to support the grounds taken in the appeal.

5. Accordingly, the appeal is dismissed.

(SUDHIR MITTAL)
JUDGE

December 15, 2017

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No