

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

FAO No.1309 of 2006 (O&M)

Date of decision : 03.02.2017

United India Insurance Company Ltd.

.....Appellant

Versus

Smt. Anguri and others

...Respondents

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr. Vinod Gupta, Advocate for appellant-Insurance Company.

None for respondents.

DARSHAN SINGH, J.

The present appeal has been preferred by appellant - United India Insurance Company Limited (respondent No.3 in the claim petition) against the award dated 05.12.2005 passed by the learned Motor Accidents Claims Tribunal, Rohtak (hereinafter called the "Tribunal"), whereby the learned Tribunal in a petition filed by respondent No.1 Smt. Anguri (claimant in the claim petition) under Section 166 of the Motor Vehicles Act, 1988 ("Act" - for short), has awarded compensation to the tune of ₹1,00,000/- on account of death of her husband Rattan Singh caused in the motor vehicular accident which took place on 24.10.2004.

2. As per the report of the office, respondent No.1 was served and represented by Mr. S. P. Chahar, Advocate. Respondent No.2 was duly served. Respondent No.3 was served and represented by Mr. Sandeep

Vermani, Advocate. But none was present on their behalf.

3. The present appeal has been preferred to assail the liability of the Insurance Company.

4. I have heard learned counsel for the appellant-Insurance Company and have gone through the paper-book meticulously.

5. Learned counsel for the appellant-Insurance Company contended that the appellant was not afforded any opportunity by the learned Tribunal to lead evidence to prove that the driving licence of respondent No.1 Naresh Kumar was fake. Thus, he contended that the appellant-Insurance Company has been wrongly held liable for payment of amount of compensation.

6. I have duly considered the aforesaid contentions.

7. In para No.18 of the impugned award, the learned Tribunal has categorically mentioned that the genuineness of the driving licence Ex.R1 has not been contested by the learned counsel representing the Insurance Company-respondent No.3. Hence it was held that Naresh Kumar respondent No.1 was holding a valid and effective driving licence at the time of the accident. Thus, the counsel for the appellant Insurance company has not disputed the genuineness and validity of the licence of respondent No.2 Naresh Kumar, so it does not lie in the mouth of the appellant to say that the learned Tribunal has not afforded opportunity to the appellant to lead evidence to prove that the driving licence of respondent No.2 Naresh Kumar was fake. The appellant-Insurance Company can not be allowed to wriggle out from the stand taken by it through its counsel before the learned

Tribunal with respect to genuineness of driving licence of respondent No.1.

8. Consequently, the present appeal has no merits and the same is hereby dismissed.

03.02.2017

sunil yadav

**(DARSHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No