

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

FAO 2219/2012

Date of decision:14.07.2017

The New India Assurance Co.Ltd.

.....Petitioner

v.

Gurwant Kaur and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Ms.Vandana Malhotra,Advocate for the appellant-
Insurance Company.

Mr.Vikram Bali,Advocate for respondents-claimants 1 to 3.

None for respondent no.4 owner of offending truck.

Jaswant Singh,J,(Oral).

Insurance company is in appeal against the award dated 9.9.2011 passed by learned Commissioner,Workmen's Compensation Act,Panchkula,whereby respondents 1 to 3 being the widow, son and daughter of deceased driver-Jaswant Singh have been granted compensation of Rs.3,38,800/- with interest @ 12% from the date of filing of the claim petition till the realization of the award.

The sole contention raised on behalf of the appellant Insurance Company is that driving license of the deceased-Jaswant Singh was fake and thus the appellant could not be held liable to pay the compensation.

After hearing the learned counsel for the parties and perusing the impugned award I find no merit in this submission of the learned counsel for the appellant.

The learned Commissioner, while deciding issues 1 to 4, has made a categorical mention of the failure of the appellant company to produce any evidence despite availing number of opportunities. Having failed to produce any evidence to prove that the driving license held by deceased-Jaswant Singh was fake, the appellant company now cannot claim so in the present appeal. To prove the same it was required to lead reliable evidence on the issue. However, as noticed in the award, despite availing number of opportunities no evidence was led by the appellant company.

For the reasons stated above, finding no merit in this appeal the same is hereby dismissed.

14.07.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No