IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.2531 of 2012 (O&M)
Date of decision: 14.11.2017

IFFCO TOKIO General Insurance Co. Ltd. ...Appellant

Versus

Rehana and others ...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Subhash Goyal, Advocate for the appellant.

None for respondents No.9 and 10

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REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 30.07.2011 passed by the Motor Accidents Claims Tribunal, Nuh whereby compensation has been awarded in regard to death of Iqbal in a motor vehicular accident that took place on 24.10.2009.

Counsel for the appellant would inform that the appeal has been preferred by the insurance company to assail findings of the Tribunal holding that the driver possessed a valid licence at the time of occurrence and the insured is not guilty of committing breach of terms and conditions of the contract of insurance in order to enable the insurance company to escape its liability to indemnify the insured.

Apart from the fact that the appeal is barred by limitation and there is no justification for condoning delay of 170 days in filing the appeal when examined in the light of judgment of this Court **Bharti Axa General Insurance Company Limited Vs. Ram Parshad and others**, FAO No.4740 of 2016 and other connected cases, decided on 17.10.2016, the appeal filed by the insurer lacks merit and liable to be rejected for the reasons recorded hereunder:-

> Perusal of the award passed by the Tribunal makes it evident that the driving licence Ex.R3 was placed on record but the insurance company failed to adduce any evidence to discharge onus that the said driving licence is not genuine. The insurance company was allowed time since 11.03.2014 to verify the licence Ex.R3 but till date no such verification report has been produced, meaning thereby that the insurance company has failed to establish that driving licence Ex.R3 possessed by driver of the offending vehicle is not genuine. In this view of the matter, contention raised by the insurance company that driver was not possessing a valid licence at the time of occurrence is misconceived and liable to be rejected.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

14.11.2017 **(REKHA MITTAL)**
ashok **JUDGE**

Whether speaking/reasoned: Yes / No
Whether reportable: Yes / No