

FAO No.5292 of 2016 (O&M)
FAO No.5293 of 2016 (O&M)

[1]

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

Sr. No. 101

FAO No.5292 of 2016 (O&M)
Date of decision: January 10, 2017

Pawan Kumar @ Vyas Dev and another

.... Appellants

Versus

Monika & another

.... Respondents

FAO No.5293 of 2016 (O&M)
Date of decision: January 10, 2017

Pawan Kumar @ Vyas Dev and another

.... Appellants

Versus

Monika & another

.... Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sukh Pal Singh, Advocate,
for the appellants in both the petitions.

JASPAL SINGH, J.

Civil Miscellaneous Nos.17923 & 17927-CII of 2016

In view of reasons mentioned in the applications, applications
are allowed and delay of 4 days in filing the present appeals is condoned.

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Civil Miscellaneous Nos.17926 & 17929-CII of 2016

Applications are allowed as prayed for.

FAO Nos.5292 & 5293 of 2016 (O&M)

By this common judgment, this Court intends to dispose of two appeals bearing No. FAO No.5292 of 2016 and FAO No.5293 of 2016, in order to avoid conflicting judgments and there being involvement of the same question of facts and law as well as also being against the consolidated award of two different claim petitions.

2. Challenge in the FAO No.5292 of 2016 preferred by Pawan Kumar @ Vyas Dev and another i.e. driver and owner of truck bearing No.HP-12-C-6696 is to the order dated May 26, 2016 passed by learned Motor Accident Claim Tribunal (for short 'MACT') vide which learned Tribunal has fastened liability on the appellants to pay the compensation to the tune of Rs.7,38,840/- along with interest @ 9% per annum on account of death of Ramesh Kumar in a vehicular accident involving Truck bearing No.HP-12-C-6696 in the near Village Machhroli on G.T. Road at 1.00 p.m. On February 09, 2014.

3. Another FAO No.5293 of 2016 preferred by Pawan Kumar @ Vyas Dev and another i.e. driver and owner of truck bearing No.HP-12-C-6696 is to the order dated May 26, 2016 passed by learned MACT vide which learned Tribunal had passed the Award against them and to pay compensation to the tune of Rs.1,25,000/- along with interest @ 9% per annum on account of sustaining injuries to the respondent No.1-Monika.

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4. The contention of learned counsel for the appellants is that learned Tribunal while deciding the issue with regard to validity of Driving Licence of Pawan Kumar-appellant No.1 has wrongly observed that since the driver of the vehicle had not got his Driving Licence converted into a Smart Card from the Licensing Authority. Therefore, the validity of the Driving Licence is doubtful. However, in Nagaland, the issuance of smart Driving Licence commenced only in the month of November-December 2015. In fact, the Driving Licence of appellant No.1 is a valid Driving Licence issued on June 20, 2010 by the Government of Nagaland bearing DL No.37899/TV/T/2010 and same was valid till July 24, 2016. Not only, this, even the appellant No.1 had got his Driving Licence renewed on June 22, 2016 from the Licensing Authority, Tuensang, Nagaland duly issued on June 22, 2016 bearing Driving Licence No. NL-0320100007913 in the form of new Smart Card, which also contains the date of the previous valid Driving Licence. It also depicts the validity of earlier Driving Licence produced.

5. This court has duly considered the aforesaid submissions made by learned counsel for the appellants and has also scrutinized the impugned order.

6. A glance at the award transpires that Driving Licence produced by the respondent-applicant No.2-owner was issued by the Government of Nagaland and during the course of arguments, learned counsel for the appellants could not satisfy as to when the appellant No.1-Pawan Kumar visited at State of Nagaland, in fact, he is the permanent resident of

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Bharavdi, Police Station Tissa, District Chamba, Himachal Pradesh. The licence, if any, issued by the State of Nagaland cannot otherwise be legal and valid Driving Licence. Otherwise also, Pawan Kumar did not opt to appear before the Tribunal to put his version that he was holding the effective Driving Licence at the time of accident or that he is not responsible or liable to pay the compensation. The conversion of the earlier Driving Licence to a Smart Card cannot validate the previous Driving Licence especially, in the circumstances, that he never resided at the address given on the Smart Card or Driving Licence. No specific address also finds mention, where Pawan Kumar has been residing in the State of Nagaland, rather, only address mentioned is NST road, Tuensang Town, Nagaland. Thus, conclusion recorded by the Tribunal in this regard are factually/legally justified. This court does not find any merit in these appeals.

7. Both appeals stands dismissed.

January 10, 2017

Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No