

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

**FAO No. 5617 of 2016 (O&M)
Date of Decision: 30.01.2017**

Lachman Dass

... Appellant

vs.

Tripta Devi and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present:- Mr. H.K. Brinda, Advocate
for the appellant.**

ANITA CHAUDHRY, J.

CM No. 19307-CII of 2016

Application is allowed and delay of 55 days in filing the appeal stands condoned.

FAO No. 5617 of 2016

This is owner's appeal against the award dated 07.01.2016 passed by the Tribunal by virtue of which the driver, owner and the insurance company had been held jointly and severally to make the payment of compensation to the tune of Rs.3,10,000/- to the claimants.

The grievance of the appellant-owner is that the while engaging the driver, the appellant had taken due care and caution and had checked his driving licence and driving skills, but the licence was found to be fake and in that eventuality, the appellant cannot be burdened with the liability of satisfying the award.

I have heard learned counsel for the appellant and have gone through the paper-book.

On perusal of the record it is found that neither the appellant nor the driver had stepped into the witness-box. There is no evidence that the owner had checked the driving licence when he had engaged the driver. It was categoric case of the insurance company that the license of the driver was fake and to prove that plea, a Local Commissioner was appointed who visited the Licensing Authority Kolkata and reported that no such license was issued by the Authority. Since it was found that the driver was not holding valid and effective license on the date of accident, he along with the appellant and insurance company were jointly held liable to satisfy the award and the insurance company was rightly asked to compensate the claimants in the first instance and liberty was given to recover the amount from the appellant and the driver.

There is no ambiguity in the award to the extent of holding the appellant and others liable.

Dismissed in limine.

30.01.2017

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**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No