

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

Date of decision: 14.12.2017

FAO No.6912 of 2015 (O&M)

ICICI Lombard General Insurance Co. Ltd.

.... Appellant

versus

Gian Kaur and ors.

.... Respondents

FAO No.6918 of 2015 (O&M)

ICICI Lombard General Insurance Co. Ltd.

.... Appellant

versus

Sukhdev Kaur and ors.

.... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Mrigank sharma, Advocate
for the appellant.

Mr. Arnav Sood, Advocate
for respondent Nos.7 and 8.

Rekha Mittal, J(Oral)

This order will dispose of FAO Nos.6912 and 6918 of 2015 arising out of same award dated 14.01.2015 passed by Motor Accidents Claims Tribunal, Ludhiana whereby compensation has been awarded in regard to death of Raghuvir Singh and Harvir Singh in a motor vehicular accident that took place on 17.05.2013.

Learned counsel representing ICICI Lombard General Insurance Company Ltd. (in short 'insurance company') has fairly informed that the appeals have been preferred to assail findings of the Tribunal on issue No.3 whereby plea of the insurance company that driver of the offending vehicle namely Devender Kumar was not possessing valid driving

licence has been negated. It is argued with vehemence that the documents Exs.R-2 to R-5 produced before the Tribunal are sufficient to establish plea of the insurance company that driving licence Ex.R-1 was not issued by the Licensing Authority, Mathura.

Counsel representing the respondents, on the contrary, has supported findings of the Tribunal in para 18 of the award whereby it has been held that the report laid down on Form No.54 and proved on record as Ex.R-4 has not been signed by the Licensing Authority, Mathura, therefore, not sufficient to prove plea of the insurance company that licence of respondent No.1 is fake.

I have gone through the paper book and records of the Tribunal particularly document Ex.R-4. Perusal of Ex.R-4, a report purported to be prepared by Licensing Authority, Mathura leaves no manner of doubt that the same does not bear signatures of concerned licensing authority, therefore, this document is not sufficient to discharge onus by the insurance company that Ex.R-1 is not issued by the Licensing Authority, Mathura. In this view of the matter, I do not find any error in findings recorded by the Motor Accidents Claims Tribunal, Ludhiana answering issue No.3 against the insurance company and in favour of the respondents.

No other point has been raised.

For the forgoing reasons, appeals are dismissed. As the appeals have been decided on merits, applications for condonation of delay of 35 days and 89 days in FAO No.6918 of 2015 are of academic relevance only.

14.12.2017

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(Rekha Mittal)
Judge

Whether speaking/non-speaking?

Yes/No

Whether reportable?

Yes/No