

FAO No.3706 of 2017 -1-

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

FAO No.3706 of 2017 (O&M)

Date of decision: 3.7.2017

The New India Assurance Co Ltd.

....Appellant

Versus

Nitin Monga and others

....Respondents

A N D

FAO No.3717 of 2017 (O&M)

The New India Assurance Co Ltd.

..Appellant

Vs.

Anshu and others

..Respondents

CORAM: Hon'ble Mr. Justice Ramendra Jain

Present: Mr.Suvir Dewan, Advocate for the appellant.

Ramendra Jain, J.(Oral)

Challenge has been made by the Insurance Company in the above titled two appeals bearing FAO Nos.3706 and 3717 of 2017 to the finding of the learned Tribunal regarding the validity of the driving license of respondent No.2, namely, Ranbir, who was allegedly driving the offending Canter bearing registration No.HR-69A-6670 at the relevant time.

Learned counsel for the appellant while referring to notification Ex.R7 mentioned in para 27 of the impugned award contended that the Tribunal below in view of the above-said notification ought to have observed that the driving license of respondent No.1, being not in shape of a smart card at the time of accident was invalid. Admittedly, the accident took place on 11.6.2015, whereas the driving license in the shape of smart card to respondent No.2 was issued on 29.9.2015, therefore, the same on the date of the accident, was not legal and valid. Thus, the finding of the learned Tribunal declaring the driving license of respondent No.2 as legal and valid on the date of accident, is wrong and erroneous.

I have given anxious consideration to the above submissions made by the learned counsel for the appellant.

Undisputedly, the driving license of respondent No.2 was effective from 20.7.2009 and was valid upto 14.4.2025. The accident took place on 11.6.2015. Therefore, it is apparent on the record that respondent No.2 was having a valid and effective driving license on the date of accident. The Government of Nagaland vide above notification Ex.R7 declared that all the licenses other than smart card, were to be treated as invalid which means that after the date of notification any person who intends to hold a driving license or is having a driving license, has to obtain a fresh driving license in the shape of a smart card.

Consequently, respondent No.2 applied for issuance of fresh driving license in the shape of smart card and the same was issued on 29.9.2015.

In view of the factual position as narrated above, I find no

Accident Claims Tribunal, Karnal. Accordingly, the same are upheld. Both the appeals bearing FAO Nos.3706 and 3717 of 2017 are accordingly dismissed.

3.7.2017
Meenu

(Ramendra Jain)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No