

**XOBJC No.97-CII of 2015 in/and
FAO No.1807 of 1994 (O&M)**

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

**XOBJC No.97-CII of 2015 in/and
FAO No.1807 of 1994 (O&M)
Date of Decision: 27.02.2018**

United India Insurance Company Ltd.Appellant

Vs.

Kiran Bala and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vandana Malhotra, Advocate, for the appellant.

Mr.R.S.Dadwal, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the appellant/Insurance Company (for short 'the appellant'), against award dated 02.05.1994, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') on the short ground that driving licence of the drive which had been issued by Licencing Authority, M.V.Department Siliguri was fake driving licence and Tribunal has gone wrong in accepting the licence R-1 placed on record by the driver Krishan Lal which has been got renewed by DTO Hoshiarpur.

A perusal of the Award shows that this aspect has been considered by the learned Tribunal in paragraph 18 of the Award wherein it is held that Mark A is the photo copy of the driving licence purported to have been issued by the Licencing Authority, M.V.Department Siliguri, Assam Government, which had been produced by the driver before the Tribunal and it had been taken into possession by the police in the criminal case. A report in this regard has been made by the dealing assistant of that department to the effect that driving licence was not issued from that office and verification report sent by Sh.K.C.Puri, Advocate of Siliguri had also been placed on the file. At the same time, driver appeared before the learned

Tribunal as RW-1 and placed on record R-1 driving licence which has been issued during the year 1990-91 which was subsequently renewed from 24.01.1994 to 23.01.1997 as per photo state copy Ex.R1 and the same was got renewed from the DTO Hoshiarpur. As such, respondent No.1 was in possession of a valid driving licence. Since the original was placed on record by the driver, it was rightly taken into account. and Krishan Lal was working as driver with M/s Khanna Sales Corporation for the last about 5-6 years, no ground is made out to entertain the appeal of the Insurance Company on the issue of liability to make the compensation.

Appeal is accordingly dismissed.

Claimants-Kiran Bala and others have filed the cross-objection against the award dated 02.05.1994, passed by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal') for enhancement of compensation as awarded by the learned Tribunal on the death of Vijay Kumar in a motor vehicular accident.

Keeping in view that the claimants-Kiran Bala and others have already been compromised the matter by filing the appeal i.e. FAO No.1955 of 1995 before the Lok Adalat on 07.04.1999 by accepting Rs.1,40,000/- over and above as enhanced amount of compensation, the present cross-objection filed by them is also dismissed.

(RITU BAHRI)
JUDGE

27.02.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No