

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

Sr. No.204

FAO No.1574 of 1995 (O&M)
Date of decision: 24.09.2018

United India Insurance Company

....Appellant

versus

Sursati and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Vinod Chaudhari, Advocate
for the appellant.

None for respondent No.5.

Mr. Chandan Deep Singh, Advocate
for respondent No.7.

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DEEPAK SIBAL, J. (Oral)

Through the present appeal filed by the Insurance Company challenge is made to the Award dated 01.04.1995 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (for short – 'the Tribunal').

The only issue pressed by the appellant before this Court is that the liability of the awarded compensation should fall upon the owner and driver of the offending vehicle and not on the Insurance Company since the driving license possessed by the driver of the offending vehicle was forged and fabricated.

A perusal of the record reveals that to prove that the driving license possessed by the driver of the offending vehicle was forged and fabricated, the appellant-Insurance Company had relied upon a report Ex. R3 by the Licensing Authority at Bhopal as also the testimony of RW-2 Jai

Chand. The Tribunal discarded the report Ex. R3 on the ground that no corroborative record from the Licensing Authority, Bhopal had been produced by the appellant-Insurance Company and that RW-3 who had produced the report admittedly had never visited Bhopal nor had he made any personal verification with regard to the contents of the report. He had further admitted that he had received the report in routine. So far as RW 2 Jai Chand is concerned, the record brought by him did not pertain to the year 1986 i.e. the year in which the driving license in question had been issued but he had brought the record pertaining to the year 1990.

On being considered, no fault is found in the above findings returned by the Tribunal rejecting the afore two pleas raised by the Insurance Company.

No other point was urged.

Dismissed.

(DEEPAK SIBAL)
JUDGE

September 24, 2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No