

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1419 of 2007

Date of Decision: 20.04.2018

National Insurance Company Ltd.

.....Appellants

Vs.

Kamla Devi and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.G.D.Gupta, Advocate, for the appellant.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the appellant/Insurance Company (for short 'the appellant'), against award dated 05.12.2006, passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') vide which an amount of Rs.3,20,000/- has been awarded to the claimants on account of death of Pawan Kumar in a motor vehicular accident on 15.12.2002.

The Insurance Company/appellant is challenging the Award on the short ground that respondent No.1 i.e. Driver was not holding valid and effective driving at the time of accident and driving licence Ex.R1 was renewed after two days after the accident.

The driving licence (Ex.P-1) has been placed on record at page 25 of the paper book which shows that the same has been issued in the name of Sukhwinder Singh which was renewed up to 15.07.2002 and thereafter, it was renewed from 17.12.2002 to 16.12.2005 and as per verification report placed on record, driving licence was valid upto 14.07.2002/. Hence,

perusal of the above documents shows that on 15.12.2002, driving licence had not been renewed and the same was renewed on 17.12.2002. As such, there is gap of almost 2 days when the process of renewal of the valid driving licence (Ex.R1). This licence has been issued way back in the year 15.07.1999 and on account of gap of only two days, the Insurance Company cannot be absolved from the liability to make the payment of compensation.

In view of the above, no ground is made out to interfere in the Award dated 05.12.2006 and the present appeal is dismissed as such.

(RITU BAHRI)
JUDGE

20.04.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No