

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 01.02.2018

1. FAO No.7184 of 2011 (O&M)

Oriental Insurance Company Ltd.

..... Appellant

Versus

Vidya Devi and others

..... Respondents

2. FAO No.7185 of 2011 (O&M)

Oriental Insurance Company Ltd.

..... Appellant

Versus

Gajedeen and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate
for the appellant (in both the appeals).

Ms. Lipika Dahiya, Advocate, for
Mr. R.S. Mamli, Advocate
for respondents No.1 to 3 (in FAO-7184-2011).

Mr. Ankit Rana, Advocate, for
Mr. R.S. Budhwar, Advocate
for respondents No.1 to 3 (in FAO-7185-2011).

Mr. N.S. Panwar, Advocate
for respondent No.5 (in both the appeals).

ANIL KSHETARPAL, J. (ORAL)

Vide this judgment, I shall be disposing of two appeals bearing

FAO No.7184 of 2011 titled 'Oriental Insurance Company Ltd. Vs. Vidya

Devi and others' and FAO No.7185 of 2011 titled 'Oriental Insurance

Company Ltd. Vs. Gajedeen and others' which are connected. Both the appeals have been preferred by the Insurance Company claiming that the driver-Rajbir Singh was not holding a valid driving license.

Initially, the Insurance Company was exonerated as the driving license produced was found to be fake when the driver of the offending vehicle was ex parte. Later on, an application was filed for setting aside the ex parte along with a driving license issued from Nagaland. Ex parte award was set aside and the case was re-decided on merits. Vide judgment dated 07.09.2011, the Insurance Company was held liable.

The Insurance Company filed appeals in this Court challenging the validity of the driving license.

During the course of arguments, learned counsel for the Insurance Company has very fairly stated that they have verified the validity of the driving license and it has been found genuine. A photocopy of the communication dated 23.06.2016 has been placed on record.

In view thereof, there is no scope for interference in the appeals filed by the Insurance Company.

The pending miscellaneous applications, if any shall stands disposed of accordingly.

Both the appeals are dismissed.

01.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No