

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

FAO No.1922 of 2014 (O&M)

Date of Order: 28.09.2018

National Insurance Company Ltd

....Petitioners

Versus

Sohan Lal and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. R.C. Gupta, Advocate for the appellant.

B.S.WALIA, J (ORAL)

1. Appeal has been filed challenging award dated 01.10.2013 passed by the learned Motor Accidents Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as “the Tribunal”) on the ground that the driving licence issued by the R.T.O, Hyderabad to the driver of the offending vehicle was not, in fact, issued, therefore the driving licence relied upon by the driver was a fake one.

2. The learned Tribunal earlier passed award dated 04.2.2000 holding the owner, driver and Insurance Company jointly and severally liable to pay compensation to the claimants. FAO No.1766 of 2000 and CR No.3100 of 2000 were filed by the Insurance Company challenging the award as well as the finding on the issue with regard to validity of the driving licence issued to the driver of the offending vehicle. The matter was remanded by this Court whereupon a Commission was appointed for recording evidence to verify the validity of the driving licence of the driver of the offending vehicle at Hyderabad, however, due to Tilangana agitation, which was going on at that point of time, report was received from the Local

Commissioner that it was not possible to record any evidence. However,

the RTO, Hyderabad sent a report stating that the licence sent for verification had not been issued by the RTO, Hyderabad in favour of the driver of the offending vehicle.

3. Since the report of the RTO, Hyderabad was not proved in accordance with law, therefore the Tribunal held the owner, driver and Insurance Company jointly and severally liable vide award dated 01.10.2013. Thereafter, CR No.1426 of 2014 was filed by the Insurance Company challenging the award dated 01.10.2003 to the extent of award of compensation of Rs.6000/- to the State of Haryana, which was dismissed on the ground that the Insurance Company had failed to prove that the driver of the offending vehicle did not have a valid driving licence.

4. Learned counsel for the appellant contends that the decision of this Court in CR No.1426 of 2014 was not challenged. Thus the same attained finality. In the circumstances, the appeal qua challenge to the award of Rs.3,65,000/- to the respondent-claimant Sohan Lal is bereft of merit and has to meet the same fate as in CR No.1426 of 2014 on the ground that the Insurance Company had failed to prove that Panchhi Ram driver of the offending vehicle did not have a valid driving licence.

5. As a sequel of aforesaid discussion, Insurance Company having failed to prove that the driving licence issued to the driver of the offending vehicle was not a valid one and no other point having been urged, the appeal being devoid of merit is dismissed.

September 28, 2018
manoj

(B.S.WALIA)
JUDGE

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

