IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No.5149 of 2013(O & M)
Date of Decision:01.02.2018

United India Insurance Company Limited ...Appellant

Versus

Vikas Education Society and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Suvir Dewan, Advocate
for the appellant.

Mr. Ashok K. Sharma, Advocate
for respondent Nos.3 and 4.

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ANIL KSHETARPAL, J.(Oral)

Insurance Company is in the appeal against the award passed by the learned Motor Accident Claims Tribunal dated 01.05.2013. The learned Motor Accident Claims Tribunal has held the Insurance Company to be liable to pay the amount of compensation to the claimant as the vehicle, which had met with an accident, was insured with the appellant-Insurance Company.

During the pendency of the present appeal, application along with an appeal under Order 41 Rule 27 of the Code of Civil Procedure was filed asserting that the driving licence produced is fake. This Court after allowing the application got the driving license verified from Licensing Authority, Kolkata and it was informed that no such driving license has been issued in the name of Harjinder Singh son of Dalip Singh. Hence, the driving licence produced by respondent No.1 is fake.

However, in the present case, the offending truck is owned by Shri Ganesh Rice Mills-respondent No.2. The proprietor of Shri Ganesh Rice Mills had appeared in the witness-box and had stated as under:-

> *"3. That the deponent had appointed Sh. Harjinder Singh son of Sh. Dalip Singh respondent no.1 as driver on the said truck and took his test of driving of truck before appointed him as such who was competent driver and handed over the truck to him after testing his competency to drive truck. The deponent has further checked & verified his driving licence which was genuine and the copy of the driving licence is already on the file."*

A reading of the cross-examination shows that the evidence given by Shri Ram, Proprietor of Shri Ganesh Rice Mills as noticed above was not challenged in cross examination. No suggestion was given to him that he did not take the driving test.

In view thereof, although the licence is fake but still owner of the vehicle has not violated the terms of the Insurance Policy particularly when he took steps to verify the competence of the driver and had also seen the driving licence.

In view thereof, there is no scope for interference.

Appeal is dismissed.

01.02.2018 **(ANIL KSHETARPAL)**
sheetal **JUDGE**

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No