

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

235----

FAO No.3116 of 2016 (O&M)

Date of decision: 08.08.2018

United India Insurance Co. Ltd.

... Appellant

Versus

Mukhtyar Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Ram Avtar, Advocate for the appellant.

None for the respondents.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award in favour of Mukhtyar Singh qua injuries sustained by him in a motor vehicular accident that took place on 12.11.2014.

Counsel for the appellant would inform that the appeal has been preferred only to assail findings of the Tribunal on issue No.3 qua driving licence and press for right of recovery against the insured.

Perusal of findings recorded by the Tribunal would reveal that the insurance company placed on record photocopy of information received under RTI Act, 2005 from PIO and District Transport Officer, Tuensang, Nagaland along with report of Davinder Sharma, Investigator of the company to substantiate its plea that driving licence Ex.R2 possessed by Sanjay, driver of JCB No.HR45-A-1630 is fake. Admittedly, the insurance company did not examine a witness of the concerned licensing authority

along with relevant record with an opportunity to the insured to cross examine the witness. Even the company did not examine its investigator who purportedly sought the information under the RTI Act, 2005 nor the original report received under the RTI was placed on record. In the given scenario, I do not find an error in findings of the Tribunal negating plea of the insurance company that the insured is guilty of violating the terms and conditions of insurance policy.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed.

No order as to costs.

08.08.2018

ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No