

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3224 of 2016
Date of Decision:11.05.2018

United India Insurance CompanyAppellant

Vs.

Deshpal and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Abhinandan Pandi, Advocate, for
Mrs.Manjari Nehru Kaul, 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 23.02.2016, passed by the learned Motor Accident Claims Tribunal, Faridabad (for short, 'the Tribunal') on the short ground that the driving licence relied upon by the learned Tribunal Annexure R1 is not valid and entire liability should be fixed to the respondent No.3/owner of offending vehicle.

Learned counsel for the appellant/Insurance Company submits that opportunity to test the authenticity of the DL No.NL-012010040972 (Ex.R1), was not granted, it can be prima facie seen that the said licence is a fake licence, fabricated by respondents No.2 and 3 to cleverly put the entire liability on the appellant. As it can be seen from the first licence, copy of D.L. No.OLA-HR30-HR3020130013251 (Ex.P10), it was not valid to drive the offending vehicle being a goods carriage vehicle. As per Section 2(47) of the Motor Vehicles Act 1988, goods carriage vehicle falls under the category of transport vehicle, and as per Section 14(2) of the Motor Vehicle

Act 1988 a specific endorsement of 3 years validity of licence is required in order to drive a transport vehicle. However, D.L.No.OLA-HR30HR3020130013251 (Ex.P10) was valid from 14.06.2013 to 13.06.2033 i.e. for 20 years, meaning thereby, it was not valid for driving the offending vehicle. Hence, the purpose of forging another driving licence DL No.NL-012010040972 (Ex.R1) was primarily required to circumvent the law and fixed the entire liability on the appellant.

This argument is liable to be rejected on the ground that a perusal of the Award shows that Ex.P10 is copy of driving licence of respondent No.1 which has been tendered by the claimant in which actual driving licence of respondent No.1 is Ex.R1 which is valid from 15.11.2011 till 14.11.2031 and the accident took place on 10.02.2015. The fitness certificate is Ex.R3 and passenger & Goods Taxation Certificate is Ex.R4. So, there were no violation of any condition. As such, no steps have been taken to verify the driving licence Ex-R1 by the learned Tribunal which is placed on the file and the claim petition was rightly allowed.

So in the light of the discussion, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

11.05.2018

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No