

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

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**FAO-7964-2015 (O&M)
Date of Decision : 16.8.2018**

Harjit Singh and another

....Appellants

vs.

Sanjogita and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Satwant Mehta, Advocate
for the appellant(s).

None for respondents No. 3 and 5.

Mr. Gopal Mittal, Advocate
for the respondent No.7.-United India.

Mr. D.P.Gupta, Advocate
for respondent No.8.

Mr. R.N.Singal, Advocate
for respondent No.9.

Ms. Priya Deep, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.10.

AJAY TEWARI, J. (Oral)

This appeal has been filed by the driver and the owner both against the Award dated 1.9.2015 passed by the Motor Accident Claims Tribunal, Amritsar assailing the exoneration of the insurance company and foisting of the liability upon them. The insurance company was exonerated because driving license was not placed on record.

Since a very limited point has been urged detailed reference to the facts is not required.

On 21.12.2017 the following order was passed :-

“Mr.D.P.Gupta, learned counsel for respondent no.8 prays for time to verify the authenticity and validity of the driving licence.

List again on 21.2.2018.

In the meanwhile, respondent no.8/National Insurance Company would deposit 25% of the liability under the award before the Motor Accident Claims Tribunal, Amritsar/Executing Court for disbursement to the claimants. The deposit be made within four weeks from the date of receipt of a copy of this order. Execution of remaining liability qua the owner and driver of the truck shall remain stayed till the next date of hearing.

Copy of this order be given to the learned counsel for the appellants as also to the respondent no.8 duly authenticated by the Bench Secretary of this Court.”

Today, Mr. D.P. Gupta, Advocate has placed on record verification report of the driving licence of the appellant No.1, the same is taken on record and marked as Mark 'A'. He has also accepted that in view of this report it has to be held that licence of the appellant No.1 was valid.

Counsel for the appellants states that on this short ground alone, the appeal should be allowed because insurance company was exonerated only on the ground that the licence was fake.

In the circumstance, this appeal is allowed. It is held that the compensation amount levied on the appellants would be the liability of the respondent No.8.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

16.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No