

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

**FAO-4513-2018 (O&M)
Date of Decision:30.07.2018**

United India Insurance Co. Ltd.

--Appellant

Versus

Kailash & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Bashamboo, Advocate for the appellant.

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TEJINDER SINGH DHINDSA, J. (ORAL).

CM-15236-CII-2018:

In view of the averments made in the application duly supported by an affidavit of the counsel himself, prayer is allowed. Delay of 44 days in re-filing the appeal is condoned.

2. Application is disposed of.

CM-15237-CII-2018:

In view of the averments made in the application dully supported by an affidavit of the Deputy Manager of United India Insurance Company Limited, prayer is allowed. Delay of 4 days in filing the accompanying appeal is condoned.

2. Application is disposed of.

Main appeal:

Appellant, United India Insurance Company Limited has filed the instant appeal assailing the award dated 29.01.2018 passed by the Motor Accident Claims Tribunal, Sirsa and in terms of which a claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 by the widow and two minor children of deceased Mangal Ram seeking compensation to the tune

of Rs.35 lakhs on account of death of Mangal Ram in a motor vehicle accident has been adjudicated upon and a total compensation amount of Rs.4,36,200/- has been awarded.

2. The sole contention raised by counsel is that the Insurance Company had taken a specific stand in the written statement before the Tribunal that the driver of the insured motorcycle was not holding a valid and effective driving license and to prove the same, an application had also been moved for production of requisite documents. The owner/respondent No.3 did not produce the driving license at the initial stage but produced the same at a very late stage when the case was fixed for evidence and as such, the appellant/company was not given proper opportunity to verify the driving license and the Tribunal had proceeded to close evidence of the appellant/company by order.

3. Even though, such ground has been taken in the instant appeal yet Mr. Raj Kumar Bashamboo, learned counsel representing the appellant/ Insurance Company during the course of hearing today has fairly conceded that the driving license in question stands duly verified even though at a subsequent stage and has been found to be genuine.

4. Under such circumstances, no interference in the matter is called for.

Appeal is dismissed.

30.07.2018

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No