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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ MAC.APP. 188/2018

UNITED INDIA INSURANCE CO LTD Appellant
Through: Mr.Shoumik Mazumdar, Advocate

versus

AMIT KUMAR @ RAM PAL & ORS Respondents
Through: Mr.N.K. Singh, Advocate for
Mrs.Avnish Ahlawat, standing
counsel for DTC

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

ORDER
% **28.09.2018**

1. The appellant has challenged the award of the Claims Tribunal to the limited extent that the Claims Tribunal has not given recovery rights to the appellant to recover the award amount from respondent No.3 (Delhi Transport Corporation).
2. Learned counsel for the appellant submits that the driving licence of respondent No.2 (driver of the DTC bus) was found to be fake. It is submitted that the appellant examined the witness R3W1 who proved that the investigating officer of the police verified the driving licence of respondent No.2 and found the same to be fake.
3. Learned counsel for the respondent No.3 submits that the respondent No.3 was not aware, at the time of appointing the driver, that his driving licence was fake. It is further submitted that the respondent No.3 took the driving test of the driver at the time of the accident and the original licence produced by the driver was believed to be true.
4. This Court is of the view that the respondent No.3, being a public

corporation, was duty bound to have verified the genuineness of the licence before confirming the appointment of the driver. In that view of the matter, taking the driving test of the driver and believing the driving licence produced by driver to be true, is not sufficient discharge of the duties. This Court is of the view that, the appellant is entitled to recovery rights to recover the award amount from the respondent No.3.

5. Learned counsel for the respondent No.3 submits that the appellant be granted recovery right to recover the award amount from the driver who was holding a fake driving licence.

6. The appeal is allowed and the appellant is granted recovery rights to recover the award amount from respondent No.3.

7. Respondent No.3 is at liberty to recover the award amount from the driver in accordance with law.

8. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

SEPTEMBER 28, 2018

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