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

+ MAC.APP.1005/2017

DELHI TRANSPORT CORPORATION (DTC) ..... Appellant  
Through: Mr. Sarfaraz Khan and Ms. Mirza  
Amit Baig, Advs.

versus

KAMAL KISHORE & ORS ..... Respondents  
Through: Ms. Prabhsahay Kaur, Adv. for  
GNCTD.

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

**ORDER**  
**27.07.2018**

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1. The appellant has challenged the recovery rights granted by the Claims Tribunal to respondent No.2 to recover the award amount from the appellant on the ground that the driving licence of the driver was found to be fake.
2. Learned counsel for the appellant submits that the appellant was not aware, at the time of appointing the driver, that his driving licence was fake. It is further submitted that the appellant 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.
3. This Court is of the view that the appellant, being a public corporation, it was their bounded duty 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. There is no infirmity in the recovery rights granted by the Claims

Tribunals to the Insurance Company to recover the award amount from the appellant.

4. Learned counsel for the appellant submits that the appellant be granted recovery right to recover the award amount from the driver who was holding a fake driving licence.

5. The appellant is at liberty to recover the award amount from the driver in accordance with law.

6. The appeal is disposed of in above terms.

7. Copy of this order be given *dasti* to learned counsels for the parties under signature of Court Master.

**J.R. MIDHA, J.**

**JULY 27, 2018/uj**