

FAO No.782 of 2019 (O&M)

{1}

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

**FAO No.782 of 2019 (O&M)
Date of decision:01.02.2019**

National Insurance Company Ltd.

... Appellant

Vs.

Sarabjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Vinod Gupta, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The present appeal is directed against the award of the Motor Accident Claims Tribunal whereby driver, owner and Insurance Company being indemnifier have jointly and severally held liable.

Mr. Vinod Gupta, learned counsel appearing on behalf of the appellant submitted that owner in evidence on brought on record the license Mark -1 which on verification was found forged document and in his testimony brought on record the license dated 20.03.2010, Ex.R/1 which could be not verified regarding its genuineness resulting into fastening of the liability. Even the fitness certificate is also wanting.

I am afraid the aforementioned argument is not sustainable as at the time of insurance of the vehicle, Insurance Company received the payment only after verifying the original license and fitness of the vehicle much less also take the photograph. Ex.R/1 was tendered into evidence in the statement of owner, whereas, the award was pronounced on 27.11.2018.

The zimni orders have not been placed on record. In such circumstances, there could have been remedy for the Insurance Company, if the verification was done, after the decision, placed on record, if found in its favour. No ground for interference is made out.

The appeal is thus wholly fallacious and same is hereby dismissed.

February 01, 2019

savita

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No