

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

**FAO-1047-2002 (O&M)
Date of decision : 17.7.2019**

National Insurance Company LtdAppellant.
Versus
Smt. Kiran Bala and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Neeraj Khanna, Advocate for the appellant.

Mr. J.S. Saneta, Advocate for respondent No. 1.

KULDIP SINGH, J.

Appellant has challenge the award dated 12.10.2001, passed by Motor Accident Claims Tribunal, Panipat (for short 'the Tribunal').

Heard, learned counsel for the appellant as well as learned counsel for respondent No. 1 and have perused the case file as well.

In the present case, one Antim Kumar aged about 20 years died in a motor vehicle accident on 20.1.1996 when his motor cycle was hit by the offending truck bearing registration No. HNL-4195 which was being driven rashly and negligently by respondent No. 1. The Tribunal allowed the compensation to the wife only and did not allow compensation to the brother and sisters of the deceased who were made respondents No. 4 to 7. The Tribunal awarded total compensation of Rs. 3,17,200/- along with 9% interest per annum from the date of filing the petition till realization.

The Insurance Company has challenged the said award dated 12.10.2001 passed by the Tribunal. Two grounds have been pressed before this Court. One is that claimant-Kiran Bala is not the wife of the deceased and second is that license of the driver is not proved to be valid. Taking up the first ground, it comes out that though the brother and sisters of the deceased denied the marriage of their brother-Antim Kumar with the claimant-Kiran Bala, but claimant-Kiran Bala produced the photographs of her marriage with Antim Kumar (Ex.P-1 to P-4). She also examined Santosh Kumari Agnihotri Pujari, who had performed the marriage. She also claimed that one of the sisters of the respondents No. 4 to 7 namely Pushpa Devi (since deceased) along with her husband-Pritam Singh had participated in the marriage. She also identifies Pritam Singh, brother-in-law of her deceased-husband in the photographs i.e. (Ex. P1 to P-4). To rebut the said evidence, brother and sisters of the deceased-husband of the claimant, produced one ration card (Ex. R-2) in which the deceased-Antim Kumar was registered as voter along with them.

I am of the view that mere registration of a voter with brother and sisters will not disprove the marriage. There is a positive evidence of the marriage in the form of the photographs and statement of the claimant-Kiran Bala as well as Santosh Kumari Agnihotri Pujari, who performed the marriage. Therefore, there is no illegality and infirmity in the findings recorded by the Tribunal in this regard. Hence, the said findings are affirmed.

Now coming to the driving license, it is contended on behalf of the Insurance Company that there were two driving licenses on file. There is

discrepancy in the name of the father's name of respondent No. 1 in the renewed driving license. However, it is not denied that driving license (Ex. R-1) was valid at the time of accident. Therefore, if in the subsequent renewal of the driving license, there is discrepancy in the name of the father of driver, it has no bearing on the merits of the case. The fact remains that at the time of accident, driver of the offending truck was having a valid driving license and copy of the same was produced. Hence, findings of the Tribunal on this issue No. 2 are also affirmed.

In view of above, this Court finds that the appeal is without any merits and the same is dismissed accordingly.

(KULDIP SINGH)
JUDGE

17.7.2019
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Whether speaking / reasoned	Yes
Whether Reportable:	No