

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

FAO No.731 of 1994

Date of Decision: 08.01.2019

United India Insurance Company Ltd.

...Appellant

versus

Rani Devi and others

...Respondents

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

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

None for respondent Nos.1 to 4.

Mr. Bhag Singh, Advocate for respondent No.5.

...

B.S. Walia, J (Oral)

1. Appeal has been filed by the Insurance Company against award dated 03.01.1994, passed by the learned Motor Accidents Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal') awarding compensation of ₹1,34,000/- along with interest @ 12% per annum on the ground that the learned Tribunal failed to take into account the report of the District Transport Authority Gauhati as per which the driving license of the driver of the offending vehicle was fake, therefore the impugned award was liable to be set aside and the appeal accepted.

2. Per contra, learned counsel for respondent No.5 contended that no evidence whatsoever had been led by the appellant before the learned Tribunal with regard to the driving license of the driver of the offending vehicle being fake. Learned counsel further contended that the

purported report issued by the District Transport Authority, Guhati (Ex.RW2/B) relied upon by the appellant was not accepted by the Tribunal on the ground that Suresh Kumar, Senior Assistant, United India Insurance Company, Divisional Office, Karnal in his cross-examination had stated that he did not know the aforesaid authority at Guhati personally nor he recognized the signatures of the authority on the said verification report Ex.RW2/B and further that he did not know Manoj Dass Gupta, Surveyor, Guhati, through whom the report of the District Transport Authority, Guhati had been obtained nor he recognized the signatures on the request/letter (RW2/C) purported to have been written by the Surveyor to the Licensing Authority. The witness further clarified that he did not recognize the signatures of M.K. Roy, Deputy Manager, Regional Office, Guhati who wrote letter Ex.PW2/D for the purpose of verification of the driving license in question. Besides none of the aforementioned letters and correspondence pertained to the Divisional Office at Karnal i.e. the office of RW-2. Learned counsel contended that onus of proving that the driving license of the driver of the offending vehicle was fake was upon the Insurance Company, which failed to prove that the driving license (Ex.RW/A) was fake and which according to the testimony of Karam Singh, i.e. driver of the offending vehicle was valid.

3. Learned counsel for the appellant-Insurance Company on the other hand has not been able to refer to any evidence to prove the report purportedly issued by the District Transport Authority, Guhati declaring the driving license of the driver of the offending vehicle to be fake.

4. No other point has been argued.

5. I have considered the submission’s of learned counsel for the parties.

6. Once the appellant-Insurance Company has failed to prove the report purportedly issued by the District Transport Authority, Guhati on which reliance is place to contend that the driving license of the driver of the offending vehicle was fake, I find no illegality in the award passed by the Tribunal. In the circumstances, the appeal is bereft of merit and is accordingly dismissed.

January 8, 2019
rajesh.k.khurana

(B.S.Walia)
Judge

Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No