

202
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

SANJIV KUMAR SHARMA
2019.05.03 16:29
I attest to the accuracy and
authenticity of this document

FAO-2067-1996

Date of decision : 2.5.2019

New India Assurance Co. Ltd.

..... Appellant

Versus

Master Harender Kumar and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Priya Deep, Advocate, for,
Mr. Ashwani Talwar, Advocate,
for appellant.

Ms. Anita Balyan, Advocate,
for respondent No. 6.

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KULDIP SINGH J. (ORAL)

Heard.

The insurance company has filed this appeal against award dated 12.4.1996, passed by Motor Accident Claims Tribunal, Gurgaon, on the short ground that since licence of driver Mohd. Baseer is fake, therefore, they are entitled to recovery rights. The insurance company has also challenged the findings of Tribunal which held that it could not be proved that driving licence of driver is fake. Therefore, this Court will confine only to said controversy raised before it.

Copy of driving licence produced before Tribunal shows that driving licence of driver was issued on 20.8.1988 by Licensing Authority, Hyderabad (A.P.). Before the Tribunal, Local Commissioner was appointed to record statement of concerned official of Licensing Authority, Hyderabad (A.P.). Local Commissioner recorded the statement of official of Licensing Authority, East Zone, Hyderabad (A.P.), who reported that

driving licence is not issued by them. However, it also came out that there are also three other zones in Hyderabad (A.P.) and statements of officials of other zones were not recorded. There is nothing on record to show that when the zones were created in Hyderabad (A.P.) for the purpose of licencing. Licence was issued by Licensing Authority, Hyderabad (A.P.). Merely on the basis of statement of official of one zone, it cannot be said that licence is fake. No ground to interfere in the findings recorded by Tribunal. Therefore, appeal is dismissed.

(KULDIP SINGH)
JUDGE

2.5.2019
sjks

Whether speaking order	:	Yes / No
Whether reportable	:	Yes / No