

IOIN-CM-26700-01-CII-2016 in/& FAO No. 1435 of 1998 (O&M) -1-

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

**IOIN-CM-26700-01-CII-2016 in/and
FAO No. 1435 of 1998 (O&M)
Date of Decision: March 15, 2019**

National Insurance Co. Ltd.

..... Appellants(s)

Versus

Chander Bhan and others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Suman Jain, Advocate
for the applicant-appellant.

LISA GILL, J. (oral)

This appeal has been filed by the insurance company challenging its liability to pay the compensation awarded to the claimants-respondents vide award dated 01.05.1998, passed by learned Motor Accidents Claims Tribunal, Gurgaon (hereinafter referred to as 'the Tribunal).

Learned Tribunal held the appellant-insurance company liable to pay the compensation on the ground that there is no evidence on record to prove that the driving licence produced by the driver of the offending vehicle is fake. It is specifically observed by the learned Tribunal that no official from the RTA, Karnal was produced. RW-2 brought the record from the office of SDM, Karnal. Moreover, RW-2 who was examined by the insurance company in order to prove that the driving licence in question was fake, did not bring the relevant record, in-as-much-as record pertaining to driving licence No.T-2375 was not produced. This witness stated that their office did not have the series starting with the letter 'T' and that the official of RTA, Karnal might be having

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the record about the driving licence Ex.R-3. It is in these facts and circumstances that the learned Tribunal found no ground to absolve the insurance company of its liability or afford recovery rights to it.

It is noticed that this appeal has been put up before this Court as despite opportunity afforded to learned counsel for the appellant vide order dated 09.01.2017, subject to deposit of costs, necessary steps for effecting service upon respondents no.6 & 7 i.e. the owner and driver of the offending vehicle have not been taken. The matter has been adjourned on various occasions at request of learned counsel for the appellant, however, necessary action has not been taken till date. There is no justification for adjourning the matter any further in the peculiar facts and circumstances of the case.

IOIN is disposed of and accordingly this appeal is dismissed for want of prosecution.

March 15, 2019.

Sunil

**(LISA GILL)
JUDGE**

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