

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

F.A.O No. 548 of 2001

Date of decision:- 04.09.2019

Oriental Insurance Co. Ltd.

...Appellant

Versus

Usha Jain and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. R.K. Bashamboo, Advocate
for the appellant

Mr. Sandeep Punchhi, Advocate
for respondent No. 8

Mr. Sidharth Grover, Advocate for
Mr. S.S. Narula, Advocate
for respondent No. 9 and 10

RITU BAHRI J. (Oral)

This appeal is by the insurance company disputing the liability foisted upon it by the Motor Accident Claims Tribunal, Sonapat (for brevity, the tribunal'), vide its award/order dated 08.11.2000 whereby the appellant-Company (for short 'the appellant') was held liable to make the payment of compensation to the tune of Rs.04,85,000/- on account of death of Ramesh Chand in a motor vehicular accident on 08.05.1997 when he was going to Panipat in a jeep bearing registration No. DI-4CC-9402 being driven by Raj Pal. When the jeep reached near St. Mary Public School, Panipat, then a truck bearing registration No. DHYD-7427 being driven by respondent No. 1 came at a very high speed and hit the jeep by coming on opposite side. Ramesh Chand died on the spot. F.I.R under Sections 279/337/304-A IPC was registered in this regard at P.S. Model Town, Panipat.

Learned counsel for the appellant is not disputing the accident in question however, he has argued that the driver was not holding the valid driving licence at the time of the accident. Learned counsel for the appellant has submitted that even an application was filed for appointment of Local Commissioner to ascertain the genuineness of driving licence in favour of Buta Singh but this application was dismissed on 10.10.2000.

The argument of learned counsel for the appellant is liable to be rejected as if the appellant has any grievance against the order dated 10.10.2000, he should have filed the revision against the above said order but the appellant chose to remain silent. The Insurance Company has ample time to obtain the report about the validity of the driving licence and as per report of licensing Authority, Mathura (R-3), the driving license was issued in the name of Buta Singh, which was valid driving license at the time of accident.

The Insurance Company has not led any evidence before the Tribunal to prove that the driving license of Buta Singh was not valid at the time of accident. Further the appellant has the opportunity to make an application before this Court under Order 41 Rule 27 CPC but this has also not been done.

In view of the fact that the appellant has not led any evidence that the driving license was not genuine, the present appeal is dismissed being devoid of any merit.

04.09.2019

G Arora

(**RITU BAHRI**)
JUDGE