IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 5763 of 2019(O&M)

Date of decision: 18.9.2019

United India Insurance Co. Ltd. …..Appellant

VERSUS

Reshma Saifi and others .....Respondents

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CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. R.N. Singal, Advocate for the appellant.

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REKHA MITTAL, J. (Oral)

CM No.19299-CII of 2019

Prayer in this application is for condoning delay of 8 days in filing the appeal.

Heard.

In view of averments made in the application supported by an affidavit of Mohinder Dawer, Deputy Manager, the application is allowed. Delay of 8 days in filing the appeal stands condoned.

Disposed of accordingly.

FAO No.5763 of 2019

Challenge in the present appeal has been directed against award dated 25.04.2019 passed by the Motor Accidents Claims Tribunal, Faridabad (in short 'the Tribunal') whereby compensation has been assessed on account of death of Imran Khan in a motor vehicular accident that took place on 07.01.2017.

Counsel for the appellant would inform that appeal has been filed to assail findings of the Tribunal on the question of driving licence possessed by Sh. Om Singh. It is argued that it has been proved on record that fee for obtaining driving licence, issued by licensing authority at Agra was not paid, therefore, driver of offending vehicle did not have valid and effective driving licence on the basis whereof the insurance company is entitle to have right of recovery against the insured after payment of compensation to the claimants.

Contention raised by counsel for the appellant – insurance company is patently misconceived and liable to be rejected. The payment or non-payment of fee for issuance of driving licence is the issue between licence holder and licensing authority concerned. Since it has been proved in view of testimony of Vikash Sachan, Clerk Registry Authority, Agra, U.P. examined by the insurance company that driving licence issued to Om Singh was valid, it is difficult to accept plea of the insurance company that either the insured is guilty of violating the terms and conditions of policy or can press for right of recovery against the insured after payment of compensation to the claimants. That being so, findings of the Tribunal on issue No.3 cannot be faulted with.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

SEPTEMBER 18, 2019 **(REKHA MITTAL)**
'D. Gulati' **JUDGE**

Whether speaking/reasoned : yes/no
Whether reportable : yes/no