

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

FAO No.2799 of 2015 (O&M)

Date of Decision: November 26, 2019

Pardeep Kumar and another

...Appellants

Versus

Pardeep Kumar and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sudeep Mahajan, Advocate with
Ms. Manjit Saini, Advocate
for the appellants.

Service upon respondent No.1 dispensed with.

Mr. Vinod Chaudhari, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

This is an appeal that has been filed seeking to challenge the award of the Motor Accident Claims Tribunal, Rohtak whereby, the liability to pay the compensation has been fastened upon the insurer, owner and driver jointly and severally holding the Insurance Company entitled to recover the same from owner and driver, on the ground that the driving licence as held by the driver is a fake document.

Counsel appearing on behalf of the appellants draws attention of this court to para 15 of the award. In one breath, the Tribunal is holding that the driving licence cannot be deemed to be a fake document and after holding that, the Insurance Company has been given liberty to recover the

amount of compensation from the driver and owner. It is argued that once there is a finding that the driving licence is a genuine document, the Tribunal could not have fastened the liability upon the driver and owner of the vehicle.

Per contra, counsel for the Insurance Company submits that there is enough evidence available on the record to substantiate the plea taken by them that the driving licence is a fake document.

I have heard counsel for the parties and have gone through the impugned award.

This court finds that there is no clarity in the award as rendered by the Motor Accident Claims Tribunal, Rohtak. There is no firm finding regarding the genuineness of the driving licence of the driver of the offending vehicle. Consequently, the finding given regarding the driving licence of the driver of the offending vehicle is set aside. The matter is remanded back to the Motor Accident Claims Tribunal, Rohtak for the limited purpose to decide the matter afresh regarding genuineness of the driving licence, by giving firm finding to this effect and thereafter, fasten the liability.

Let the parties appear before the Motor Accident Claims Tribunal, Rohtak on 23.01.2020.

Record, if any, be remitted back.

November 26, 2019

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No