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

FAO No.3261 of 2016 (O&M)
Date of decision: 08.04.2019

National Insurance Co. Ltd. ... Appellant

Versus

Satyawan and others ... Respondents

**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present : Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate for the appellant.
None for respondents No.2 and 3.
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**<u>REKHA MITTAL, J. (Oral)</u>**

The present appeal directs challenge against award dated 10.02.2016 passed by the Motor Accidents Claims Tribunal, Bhiwani whereby compensation has been assessed on account of injuries sustained by Satyawan in a motor vehicular accident that took place on 18.07.2013.

Counsel for the insurance company would fairly inform that the appeal has been preferred to assail findings of the Tribunal on issue No.3, reads thus:-

> Whether respondent No.1 was not holding a valid and effective driving licence at the time of accident, if so its effect?OPR-03

Counsel for the appellant would argue that driving licence possessed by driver of offending vehicle was purported to be issued by District Transport, Phok, Nagaland on 05.11.2010 and in view of the public information dated 01.08.2014 Ex.R3 the driving licence is to be treated as fake. In addition, it is argued that Smt. Shakuntla, driver of motorcycle is a resident of Bhiwani and as such, driving licence could not be issued by a Licensing Authority at Nagaland.

Indisputably, the insurance company did not examine a witness of the concerned licensing authority to prove that licence possessed by driver of the offending vehicle was not issued by the said licensing authority. The mere fact that licence holder did not apply for issuance of licence in smart card form would not entitle the insurance company to raise a plea that Smt. Shakuntla was not possessing a valid driving licence on 18.07.2013 day of occurrence. The insurance company did not examine Shakuntla to seek her explanation as to the circumstances under which she obtained licence from an authority at Nagaland though she is stated to be resident of Bhiwani in the claim filed in January, 2014. In this view of the matter, it can safely be held that the insurance company has failed to discharge onus of issue No.3 to prove that licence possessed by driver of the offending vehicle is not valid or the insured is guilty of breaching the terms and conditions of insurance policy. That being so, I do not find any reason to differ with findings recorded by the Tribunal.

No other point has been raised.

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

08.04.2019 **(REKHA MITTAL)**
ashok **JUDGE**

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