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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO No.8525 of 2014
Date of Decision : 10.04.2019

Shri Ram General Insurance Company Ltd.

Appellant

Versus

Devender Kumar and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Arun Sharma, Advocate for
Mr. T.K. Joshi, Advocate
for the appellant.

None for the respondents.

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AVNEESH JHINGAN, J (Oral)

The award dated 13.03.2014 passed by the Motor Accident Claims Tribunal, Narnaul [for brevity 'the Tribunal'] has been assailed by the insurer of Truck bearing registration No. HR-55J-6324 [hereinafter referred to as 'offending vehicle'].

The factum with regard to accident has not been disputed by the appellant in the present appeal. A motor vehicular accident took place on 01.05.2010. The claimant sustained injuries in the said accident. The accident was result of rash and negligent driving of the offending vehicle.

In the claim proceedings, the insurer failed to produce any verification report or any evidence to prove that driver was not holding a valid Driving Licence on the date of accident. The Tribunal awarded a sum of ₹40,000/- alongwith interest @ 7.5% per annum. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

Learned counsel for the appellant contends that the Driving Licence held by the driver never authorized him to drive the offending vehicle.

The contention raised is not well founded. No such issue was raised before the Tribunal. Neither any verification report was called for nor any official was examined to prove that the driver of the offending vehicle was not authorised to drive offending vehicle on the date of accident.

No interference is called for in the award. The appeal is dismissed.

While deciding the appeal, it is noticed that amount awarded by the Tribunal is merely ₹40,000/- against which the appeal has been filed. This appeal was not pursued and the same was dismissed for non-prosecution. Thereafter, it was ordered to be restored to its original number. The Insurance Company, if so advised, may look into its decision making process with regard to filing of the appeal, whether it was worth filing the appeal for such petty amount.

[AVNEESH JHINGAN]
JUDGE

April 10, 2019
pankaj baweja

1. Whether speaking/ reasoned : Yes
2. Whether reportable : No