

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 6752 of 2017(O&M)

Date of Decision: May 16 , 2019.

Bhupender Tanwar

..... APPELLANT (s)

Versus

Meena Rani Punj @ Meenu Punj and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sunil Polist, Advocate
for the appellant.

Mr. Amit Kundra, Advocate
for respondent No.6 – Insurance Company.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

This appeal has been filed by the driver-cum-owner of the offending vehicle challenging award dated 11.07.2017 passed by the learned Motor Accident Claims Tribunal, Jalandhar (hereinafter referred to as, the 'Tribunal') to the extent that respondent-Insurance company has been afforded the right to recover the compensation amount from the present appellant.

In the claim petition filed by the claimants, under Section 166 of the Motor Vehicles Act, 1988, learned Tribunal awarded compensation to them on

account of death of Mohinder Pal Punj in a motor vehicle accident which took place on 10.09.2015. Learned Tribunal concluded that the accident, in question, took place due to the rash and negligent driving of the offending vehicle by its driver.

Appellant is admittedly the owner of the car and was driving the same at the time of the accident. Learned Tribunal while deciding Issue No.5 i.e., 'whether the present appellant was holding a legal and valid driving licence', observed that the present appellant has not produced his driving licence on record, therefore, it is held that the appellant was not holding a legal and valid driving licence at the time of the accident. Consequently, the Insurance company was afforded the right to recover the amount of compensation from the present appellant.

Alongwith the present appeal, an application under Order 41 Rule 27 read with Section 151 CPC has been filed for leading additional evidence in the shape of driving licence of the appellant as well as the verification report by the Licensing Authority, Kaithal which issued the said driving licence.

Learned counsel for the appellant submits that the original driving licence of the appellant was taken in custody by the Investigating Officer, in FIR No.164 dated 11.09.2015 under Sections 279/304A IPC, Police Station Goraya and was lying in the record of the trial court of competent jurisdiction. A copy of the valid driving licence was handed over by the appellant to his counsel, but due to the reasons and circumstances obviously beyond the control of the present appellant, the same was not produced on record.

Learned counsel for respondent No.6-Insurance company fairly

states that the said Driving Licence No.39414/PVT issued in the name of the appellant – Bhupinder Singh son of Zile Singh, has been verified by the Insurance company and as per report dated 22.03.2017 submitted by their Investigator, the said driving licence has been found to be genuine. A photocopy of the said report, furnished in Court today, is taken on record subject to just exceptions.

Keeping in view the aforementioned facts and circumstances, finding of the learned Tribunal on Issue No.5 is set-aside. Resultantly, respondent No.3-Insurance company is held liable to pay the awarded amount to the claimants and indemnify the appellant.

Appeal is accordingly allowed.

May 16 , 2019.
'om'

(**LISA GILL**)
JUDGE

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