228

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 8626 of 2017 (O&M)
Date of Decision: 09.01.2019

Iffco Tokio General Insurance Company Ltd.

-Appellant

Vs

Karambir and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Yogesh Gupta, Advocate,
for the appellant.

Mr. Raj Kapoor Malik, Advocate,
for respondents No.5 and 6.

****

RAJ MOHAN SINGH, J. (ORAL)

This is an appeal filed by the Insurance Company.

Notice of motion was issued on 28.02.2018 and following order was passed:-

> *"Heard.*
>
> *Learned counsel for the appellant submits that route permit of the offending vehicle placed on file was not valid on the date of accident but the Tribunal has not allowed any recovery rights to appellant- Insurance Company against owner of the offending vehicle. He further submits that driving licence of driver of the offending vehicle*

was got issued from Manipur despite the fact that address of driver is of village Bhuna, Sub Tehsil Siwan, District Kaithal, as such, that was not a valid document.

Notice of motion to respondent no. only, for 24.07.2018."

Grievance of the appellant appears to be in context of route permit of the offending vehicle which was claimed to be not valid on the date of accident and the driving licence of the driver of the offending vehicle was also not valid. On both the counts, the Tribunal has found that only a copy downloaded from net showing the permit to have expired was tendered in evidence without examining the concerned person whereas as per copy of permit Ex.R4 produced by the respondents (owner and driver), the same was shown to be valid upto the year 2021.

In the absence of any corroboration by way of testimony of concerned person, no indulgence can be granted on the aforesaid arguments as the appellant- Insurance Company did not adduce any cogent evidence to prove that the permit issued for the vehicle in question was not valid. Second argument in respect of validity of driving licence of the driver of the offending vehicle was also held to be not sustainable in view of the fact that the driving licence Ex.R1 was issued by the

Licencing Authority at Manipur. Validity of the aforesaid licence was from 24.06.2015 to 23.06.2018. The vehicle was registered and was insured with the appellant from 10.10.2016 to 09.10.2017 and the accident in question took place on 06.12.2016 i.e. during the validity period.

Appellant could not prove that the driving licence was fake with reference to any evidence much less the witness from the Licencing Authority by summoning the original record.

In view of above, the Tribunal has rightly fastened liability on the Insurance Company to indemnify the insured.

Dismissed.

09.01.2019 **(RAJ MOHAN SINGH)**
Jyoti Yadav **JUDGE**

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