

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

FAO No.6632 of 2018 (O&M)
Date of decision : 22.01.2019

Iklash and another

...Appellants

Versus

M/s Sriram General Insurance Company Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balraj Gujjar, Advocate for the appellants.

ANIL KSHETARPAL, J. (ORAL)

Mass scale availability of fake driving licences are creating havoc. This is one classic case where more than one driving licence were produced. First one has been found to be fake. The driver is resident of District Mewat, State of Haryana. He caused accident resulting into death of Teekam Singh.

The claim petition was filed and the driving licence issued by the Licensing Authority, Nagaland was produced. On enquiry, it was found that the aforesaid licence is fake. Now with the application for additional evidence bearing CM No.23057-CII of 2018, another driving licence issued by the Licensing Authority, State of Manipur, again a North Eastern State, has been produced. There is neither any assertion nor

any evidence that the driver has ever lived or worked or had taken training in the Driving School situated in any of the North Eastern State. It is thus apparent that to avoid liability, multiple driving licences, one after the other, are sought to be produced.

This Court while relying upon a recent pronouncement of Hon'ble the Supreme Court in the case of **Pappu and others Vs. Vinod Kumar Lamba and another, (2018-1) 189 PLR 425**, have held that the driver is required to produce driving licence immediately on the receipt of notice on the first opportunity enabling the Insurance Company to verify this fact.

Learned counsel for the appellants has drawn attention of the Court to a judgment passed by the Coordinate Bench in FAO No.3638 of 2015 decided on 12.12.2017, to contend that if one driving licence is found to be fake, second driving licence can be relied upon.

It may be noted that in the aforesaid case, both the driving licences were produced before the Motor Accident Claims Tribunal enabling the Insurance Company to verify their correctness. Hence, in the aforesaid case, competency of the Licensing Authority, at the place where the driver has neither ever lived nor worked or had taken training in a Driving School located within the territorial jurisdiction of the aforesaid authority, has not been examined.

This Court in FAO No.5907 of 2011, decided on 14.08.2018, has deliberated on the aforesaid matter and issued certain directions.

Keeping in view the aforesaid facts, there is no ground to interfere with the judgment passed by the Tribunal.

Accordingly, the application for additional evidence bearing CM No.23057-CII of 2018 is dismissed.

Since, this Court has already examined this case on merits, therefore, no order is required to be passed in the application for condonation of delay of 275 days in filing the main appeal.

In view of what has been observed above, the present appeal is dismissed.

22.01.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No