

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

FAO no.7034 of 2018(O&M)
Decided on:22.01.2019.

M/s Ganesh Roadlines

.....Appellant

versus

Shamina and others

....Respondents

CORAM : HON'BLE MR.JUSTICE DR.RAVI RANJAN

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

DR.RAVI RANJAN, J. (Oral)

This appeal is directed against the judgement and Award dated 16.04.2018 passed by the Motor Accident Claims Tribunal, Palwal in MAV Petition no.02 of 2016, by which the Insurance Company has been directed to indemnify the claimants, however, liberty was granted to it to recover the awarded compensation amount from the owner of the truck, which has been impleaded as respondent no.1 in the claim petition.

1. The challenge has been made by the appellant-owner only to the part of the judgment and Award by which the Insurance Company has been granted liberty to recover the awarded compensation amount from it .

2. It is contended that the driver Sehaj Mohammad was having a valid licence whereas the Tribunal has held on the issue having been raised on behalf of the Insurance Company, that he was not having a valid driving licence.

3. Upon going through the impugned judgment and Award, it appears that though in the written statement, the respondent no.1-owner has contended that the driver was having valid driving licence but no evidence was led by him in that regard. Infact no evidence at all has been led by him. Whereas, the Insurance Company has examined one Clerk from the office of RTO/licensing authority to prove the fact that the concerned licence was not in the name of Sehaj who was actually the driver of the offending vehicle rather the same was standing in the name of one Jamshed son of Nasru. He has produced the extract of the Register and while being cross-examined as RW1, he has deposed that his office records have entirely been computerised since 2014. Thus, it would not possible to produce the register of his record for the year 2008 because the same has already been entered in the computer. However, he has admitted that Ex.R1 is correct extract of that register being maintained in the official capacity.

4. In such situation, since nothing was brought on record by the appellant-owner to rebut such evidence, in my considered opinion no ground could be raised by the appellant warranting interference in the judgment and Award impugned.

In the result, this appeal fails and accordingly, dismissed.

January 22, 2019
dharamvir

(DR. RAVI RANJAN)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No