

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

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FAO No.7245 of 2019 (O&M)
Date of decision : 07.01.2020.

National Insurance Company Limited

... Petitioner

Versus

Poonam and others

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. D.R. Bansal, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)
CM No.26247-CII of 2019

There is a delay of 133 days in re-filing the appeal.

Heard. For the reasons stated in the application, the same is allowed and
delay of 133 days in re-filing the appeal is condoned.

FAO No.7245 of 2019

The appellant has challenged the award of the Motor Accident Claims Tribunal (for short, 'the Tribunal') dated 08.01.2019 whereby compensation of ₹ 19,60,000/- along with simple interest @ 8% p.a. has been awarded to the respondent-claimant.

Learned counsel for the appellant-Insurance Company contends that he is challenging the award only to the extent that the driver of the vehicle was not having a valid driving license at the time of the accident and therefore, the appellant (Insurance Company) would be entitled to recover the amount from the driver and the owner of the vehicle. He also contends that the accident took place on 03.07.2017. The driver of the vehicle, namely, Sunil did not have the valid driving license at that time. The license which he had obtained earlier, had expired in the year 2015 and it was renewed on 13.07.2017 after ten days of the accident. He also contends that an application for additional evidence has been moved in support of the contention that the driver did not have a valid driving license. A report of an Advocate/Investigator

wherein it is mentioned that the driving license from 13.07.2017 to 12.07.2020 was genuine but it did not cover the date of the accident i.e 03.07.2017 is sought to be placed on record as additional evidence.

Heard.

The claimants had led cogent evidence before the Tribunal that the driver had a valid driving license. The driving license was proved as Ex. R-3 which indicated its validity from 13.02.2012 to 12.07.2020 for transport vehicle and till 09.10.2036 for non-transport vehicle. The other documents including copies of the insurance, permit, registration certificate, fitness and authorization certificates of the offending vehicle had also been placed on record as Ex.R-1, Ex.R-2, Ex.R-4 to Ex.R-6 respectively. There was no evidence which had been led by the appellant at that time to doubt the validity of the driving license. Further a bare look at the purported report of the investigator, which the appellant wants to be led as additional evidence at this stage, indicates that the document does not bear any date. It has also been mentioned therein that the date of the issuance of driving license is 13.02.2012 and the validity has been indicated from 13.07.2017 to 12.07.2020. It could well be possible that the license had earlier been valid and thereafter, was renewed at regular intervals. Moreover, the document does not bear any date.

Consequently, I do not find any merit in the instant appeal which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

January 07, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No