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

**FAO-797-2020(O&M)**
**Date of decision: 20.01.2020**

**Oriental Insurance Company Limited**
**.......Appellant**

Versus

**Sohan Lal and others**
**......Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. R.C.Kapoor, Advocate for the appellant

***ANIL KSHETARPAL, J. (ORAL)***

**CM-1696-CII-2020**

For the reasons stated in the application, delay of 8 days in re-filing the appeal is condoned. CM stands allowed.

**CM-1697-CII-2020**

For the reasons stated in the application, delay of 52 days in filing the appeal is condoned. CM stands allowed.

**Main case**

Insurance Company is in appeal against award passed by Motor Accident Claims Tribunal, SAS Nagar Mohali (hereinafter referred to as the 'Tribunal') awarding compensation to the tune of Rs.15,42,000/-. It is not disputed that Ajay Kumar and Nisha, husband and wife had died in a motor vehicle accident. The offending vehicle was insured. The owner has stepped into the witness box and stated that before employing respondent no.5-Papla – the Driver, he had himself taken a test of his driving skills and found him efficient in driving. He has further stated that the driving licence was also checked.

The aforesaid evidence led by the owner was not rebutted by the Insurance Company. The learned Tribunal while relying upon various judgments passed by the Hon'ble Supreme Court has held that once the owner had satisfied himself about the driving skills of the person employed as a driver and checked his driving licence, if thereafter, the driving licence is found to be fake, the owner cannot be held to have violated the terms of the insurance policy. First case on this issue was decided by the Hon'ble Supreme Court in the case of '**National Insurance Company Limited vs. Swaran Singh'** 2004 (2) RCR( Civil) 114 SC which has been subsequently followed by various Courts. Learned counsel for the appellant has submitted that respondent no.5 is resident of SAS Nagar, Mohali whereas his alleged driving licence has been issued by DTO, Ukhrul, Manipur. He, hence, submits that although the driving licence is proved to be fake still the Company has been held liable.

The Tribunal has examined the aforesaid aspect and found that Insurance Company has failed to prove the verification report produced by it. Still further as noted above, owner-respondent No.4 has not violated the terms of the insurance policy.

In view thereof, there is no ground to interfere.

Dismissed.

**20.01.2020** **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned Yes / No
Whether Reportable Yes / No