

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

118

**CR-3316-2018 (O&M)
Date of Order: 17.05.2022**

MANJEET SINCE DECEASED THROUGH HIS LRS **..Petitioner**

Versus

KAMLA RANI AHIRWAR AND ORS **..Respondents**

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.N. Lohan, Advocate
for the petitioner.

Mr. Satish Jain, Advocate
for Insurance Company.

ANIL KSHETARPAL, J(Oral)

The Motor Accident Claims Tribunal while taking a very narrow view of the matter, has dismissed the application for permission to produce the driving licence issued by the District Transport Authority, Jind, filed by the driver of the vehicle involved in the accident. Sh. Manjeet was the driver of car bearing registration No.HR-31F-2203. A claim petition was filed alleging that the aforesaid car had met with an accident resulting in the death of Sh. Mijaji Ahirwar.

At the first instance, Sh. Manjeet tried to prove his driving licence allegedly issued by the District Transport Officer, Ukhrul (Manipur), which was found to be fake. In the meantime, Sh. Manjeet also died. His legal representatives filed an application claiming that while sorting out the record, they have found a driving licence issued by the District Transport Authority, Jind. The Court has dismissed the application.

This Bench heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

The learned counsel representing the Insurance Company submits that the Tribunal has correctly rejected the application as they cannot be permitted to produce the second driving licence. In the considered view of the Court, the arguments suffers from a fundamental error. Once, the alleged first licence has been found to be fake, then the licence available i.e. the alleged second licence is the only licence. In any case, while deciding the matter, the Tribunal shall form an opinion on the merits after the petitioners are permitted to lead evidence.

In view thereof, the order under challenge is set aside. The Tribunal is directed to provide an opportunity to the legal representatives of late Sh. Manjeet to prove the driving licence.

With all these observations, the present petition is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

May 17th, 2022

Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*