

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

FAO-1624-2000 (O&M)
Date of decision: 19.05.2022

The Oriental Insurance Co. ...Appellant

Versus

Kamla Devi and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Avtar, Advocate for the appellant.

Mr. Jagdish Manchanda, Advocate for respondents Nos.1 to 8.

ANIL KSHETARPAL, J. (ORAL)

The insurance company assails the correctness of award passed by the Motor Accident Claims Tribunal, Karnal on 12.02.2000. The appeal filed by the claimants has already been decided. The insurance company failed to produce any evidence to prove that Bhag Singh, the driver of the offending vehicle tanker No.HP-34-3055 did not have a valid driving licence.

Learned counsel representing the appellant contends that an application filed for the appointment of local Commissioner was wrongly dismissed by the Court on 12.02.2000. The accident took place at Karnal. The alleged driving licence was issued from the District Transport Authority, Amritsar. The insurance company while filing the written statement knew that it needs to produce sufficient evidence in this regard. The claim petition remained pending before the Tribunal for a period of three years. The insurance company was granted approximately five months

time to produce sufficient evidence. Now, more than 22 years have passed from the date of judgment passed by the Motor Accident Claims Tribunal. In this case, it would not be appropriate to remand the case to grant an opportunity to the Insurance Company to prove its stand. Hence no ground is made out.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

19.05.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No