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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4194-2012 (O&M)
Date of decision : 28.09.2022

Pawan Kumar ... Appellant(s)

Versus

Gurmeet Kaur and Others ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashok Jindal, Advocate for the appellant.

Ms. Puneeta Sethi, Advocate for respondent No.4.

ALKA SARIN, J. (ORAL)

The present appeal has been filed by the appellant, owner of the offending vehicle, against the award dated 04.01.2011 passed by the Motor Accident Claims Tribunal, Bathinda (in short the 'Tribunal') whereby the Insurance Company was exonerated.

During the pendency of the appeal, on 22.01.2019, the following order was passed :

> *"CM No. 21607-CII-2012*
>
> *Though Mr. Jindal, learned counsel for the applicant-appellant, points to the endorsement made by the District Transport Officer, Moga, on the application of respondent no.3 herein, i.e. driver of the vehicle owned by the appellant, to the effect that the driving licence of*

> *the said respondent, i.e. Pappu Singh son of Chand Singh, was renewed on 20.08.2008 (and was therefore valid up-till 19.08.2011), Ms. Puneeta Sethi, learned counsel for respondent no.4 (insurance company) submits that she may be permitted to file a reply to the application.*
>
> *On her request, adjourned to 20.05.2019.*
>
> *On the next date of hearing, the original driving licence, as is shown to be renewed by the licensing authority at Moga, be produced in Court."*

Pursuant to the said order, an affidavit dated 19.09.2017 has been filed of Charandeep Singh Assistant Manager, Legal, New India Assurance Co. along with the verification report wherein it has been stated that the date of issuance of the renewal driver license was from 20.08.2008 to 19.08.2011, which would mean that the driver of the offending vehicle had a valid driving licence on the date of accident i.e. 07.11.2008.

The Tribunal vide the impugned award dated 04.01.2011 had held as under :

> *"22. It was submitted by Shri M.L. Bansal, the learned counsel for respondent No.3 that respondent No.1 had not got his driving licence renewed after 14.06.2008 and, therefore, it would mean that at the time of the accident he is not holding any valid driving licence. In view of the terms and conditions of the insurance*

company Ex.R3, a violation having occurred on the part of the insured, now respondent No.3 is not liable to pay any compensation to the petitioners".

In view of the fact that the driving licence now stands verified, the above finding recorded by the Tribunal is set aside. The driver (respondent No.3) and the owner (appellant) along with the insurance company (respondent No.4) are held jointly or severally liable to pay the compensation.

No other argument has been raised by learned counsel for the parties.

In view of the above, the present appeal is allowed accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

28.09.2022
Yogesh Sharma

NOTE : Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO