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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHFAO-1019-2017 (O&M)
DATE OF ORDER: 16.12.2022

United India Insurance Company Ltd.

.....Appellant

Vs.

Manjit Kaur and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

Respondents proceeded against ex parte
vide order dated 18.11.2019.**Nidhi Gupta, J.**

This is an appeal filed by the Insurance Company against Award dated 01.10.2016 passed by the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as "the Tribunal") in MAC Case No.135 of 2015 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as the "Act") whereby the claim petition filed by respondents No.1 to 3 herein was allowed and they were held entitled to compensation of Rs.11,66,200/-.

Upon appraisal of all the materials before it, the learned Tribunal had concluded that the deceased - Balwinder Ram had died due to the injuries suffered by him in a motor vehicular accident that took place on 31.05.2015 due to the rash and negligent driving of respondent No.4 herein who was driver of Mahindra pickup bearing registration No.HR-63A-4975

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(hereinafter referred to as “the offending vehicle”). Vide the impugned Award, the respondents were held jointly and severally liable to pay the aforesaid compensation.

Learned counsel for the appellant-Insurance Company assails the Award primarily on the ground that appellant ought to have been granted recovery rights against respondent nos. 4 and 5 herein, respectively the driver and owner of the offending vehicle, in view of the fact that the respondent No.4 did not possess a valid driving licence on the date of accident. It is submitted by learned counsel that as per public notice dated 01.08.2014 issued by the Government of Nagaland, Motor Vehicles Department, driving licences were issued on ‘smart card’ through national software only from 30.10.2009 onwards, and licence of respondent No. 4 being a smart card licence was therefore, fake. It is further stated that the driving licence of respondent No.4-driver which was on record before the Tribunal as Mark-B was not a genuine licence as it was issued by the Government of Nagaland and as per Annexure I, which is information received by appellant under RTI Act the same is shown to be issued from Tuensang Town, Nagaland.

I have heard learned counsel for the appellant and perused the record.

A perusal of Mark B, which is the attested copy of driving licence of respondent No.4 would show that the date of issue of the licence is shown to be 05.11.2010 with validity up to 04.11.2030. Accordingly, the first argument of the learned counsel for the appellant that as per public

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notice dated 01.08.2014, driving licences were issued on smart card only after 30.10.2009 and therefore, the driving licence of respondent No.4 being smart card, is proven to be untrue, is rejected. The smart card driving licence of respondent No. 4 having been issued/renewed after 30.10.2009 on 05.11.2010 whereafter admittedly, smart card driving licences were available, thus, there is no incongruity in respondent No. 4 having the same.

As regards his assertion of Id. Counsel for the appellant that as per information received under RIT Act from Tuensang Town, Nagaland, the driving licence of respondent No.4 is proved to be fake, I find the same to be unreliable as admittedly, no witness was examined by the appellant-Insurance Company nor any effort was made to get verification report of said driving licence from the office of DTO, Tuensang Town, Nagaland in support of this assertion. This information has only been downloaded from internet and has clearly not been verified by the appellant. Even further, there is no reason to doubt the particulars of the driving licence of respondent No.4, which as per the finding recorded in the impugned Award, were duly checked and the same were found to be correct as per the particulars given by the respondent No.4 in Mark-B.

Accordingly, I find no ground to interfere in the impugned Award and the present appeal is hereby dismissed. Pending applications, if any, also stand disposed of.

16.12.2022
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No