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

**FAO-5282-2022(O&M)
Date of decision : 14.12.2022**

THE NEW INDIA ASSURANCE COMPANY LTD.

..... APPELLANT

VS

SEEMA RANI AND ORS.

..... RESPONDENT

CORAM : HON'BLE MR.JUSTICE ALOK JAIN

Present :- Mr. Rajneesh Malhotra, Advocate for the appellant.

ALOK JAIN, J. (Oral)

CM-17570-CII-2022

Prayer in this application is for condonation of delay of 16 days
in re-filing the appeal.

For the reasons mentioned in the application, the same is
allowed. Delay of 16 days in re-filing the appeal stands condoned.

CM-17571-CII-2022

Prayer in this application is for condonation of delay of 72 days
in filing the appeal.

For the reasons mentioned in the application, the same is
allowed. Delay of 72 days in filing the appeal stands condoned.

FAO-5282-2022

The present appeal raises a challenge to the Award dated 25.04.2022 and the only ground argued is that the licence of the driver had been suspended by the Competent Authority.

Learned counsel for the appellant has vehemently argued that although the verification of the said driving licence could not be conducted during the pendency of the matter before the Motor Accidents Claims Tribunal but subsequently, it has come to the knowledge of the Insurance Company, by virtue of the verification report that the driving licence was suspended by the authority, for which he relies upon (Annexure A-2).

A perusal of Annexure A-1, which is the driving licence issued on 30.05.2012 shows the same to be valid qua transport vehicle upto 29.05.2021 and qua non-transport vehicle upto 12.06.2023. He further clarified that the report shows licence suspended on the basis of an office order dated 05.03.2021(Annexure A-3), however, a perusal of the same also shows that the same was only with regard to some licences issued in about two last years.

The accident in the present case took place on 25.05.2018 and on the said date, the driver of the vehicle had a valid licence and hence, the contention raised by the appellant stands negated.

As regards the quantum, the learned counsel for the appellant submits that the same is on the higher side and deserves to be reiterated. However, a perusal of the Award shows that the learned MACT, has rightly relied upon the cogent evidence led by the claimants to return the findings qua the compensation. Be that as it may, the said observation in this appeal shall

not debar the claimants to seek enhancement, if so advised, and if permissible under law. No other issue was raised.

Having no infirmity in the order passed by the Tribunal, the present appeal is dismissed.

Miscellaneous application No.17572-CII-2022 qua adducing additional evidence as Annexures A-1 to A-4. Having considered the said documents and for the reasons detailed in the application, the same is also disposed of.

(ALOK JAIN)
JUDGE

14.12.2022
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Whether speaking/reasoned Yes/No
Whether Reportable Yes/No