

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

FAO-2437-2022 (O&M)

Date of decision: 11.05.2023

M/s Kandhari Beverages Pvt. Ltd.

...Appellant

Versus

Sarup Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. D.P. Gupta, Advocate for the appellant.

H.S. MADAAN, J. (Oral)

On account of death of one Natha Singh, aged about 57 years working as a Beldar statedly drawing salary of Rs.6000/- per month in a motor vehicular accident which took place on 30.07.2001 at about 2.00 PM in the area of Gagan Chowk, Rajpura allegedly on account of rash and negligent driving of truck bearing No.PB02-H-9950 (for short 'the offending truck') by respondent No.2 Gurnam Singh, LRs of such deceased i.e. his three major sons namely Sarup Singh, aged about 35 years, Phool Chand Singh aged about 32 years , Gurmukh Singh, aged about 30 years had brought a claim petition under Section 166 of the Motor Vehicles Act, 1988 against M/s Kandhari Beverages Ltd., Chandigarh-owner, Gurnam Singh-driver and New India Assurance Company Ltd., Patiala insurer of the truck in question, claiming compensation to the tune of Rs.6 lacs.

2. After contest, the claim petition was accepted by Motor

Accidents Claims Tribunal, Patiala (for brevity 'the tribunal'), vide award dated 14.08.2003 and a compensation of Rs.50,000/- was granted to the claimants payable by respondent No.1 with interest @ 9% per annum from the date of filing of claim petition till recovery.

3. Feeling aggrieved, the claimants as well as respondent No.1 M/s Kandhari Beverages Ltd., had filed appeals before this Court. Two appeals were disposed of, vide a single order dated 26.02.2018 inasmuch as the matter was remanded to the tribunal to decide the issue of liability to pay compensation as well as enhancement of compensation. After remand the case was received in the tribunal. The tribunal passed a fresh award dated 24.01.2020 granting compensation of Rs.50,000/- payable by respondents No.1 & 2 jointly and severally.

4. Strangely enough, the owner of the offending truck is still feeling dissatisfied and has approached this Court by way of filing an appeal.

5. I have heard learned counsel for the appellant besides going through the record.

6. Learned counsel for the appellant has confined his arguments with regard to driving license of respondent No.2 Gurnam Singh, however, I find that the tribunal by proper appraisal and appreciation of evidence and correct interpretation of law has reached a proper conclusion that respondent No.2 Gurnam Singh was author of the accident by his rash and negligent driving of the offending truck resulting in death of Natha Singh. It being so, the claimants, who happen to be his sons were entitled to file the claim petition against owner, driver and

insurance company of the truck in question. The claim petition filed was very much maintainable.

8. With regard to question whether respondent No.2 was not holding a valid driving license at the time of occurrence, since issue No.4 had been struck in that regard, the tribunal has adjudged this issue that the driving license having serial No.3814/A allegedly in the name of respondent No.2 Gurnam Singh is a fake one, therefore, terms & conditions of the insurance policy were violated because the insured vehicle was not being driven by a person holding a legal and valid driving license, in that way, respondent No.3-insurance company was rightly absolved of its liability to indemnify respondent No.2.

9. I do not find myself in agreement with learned counsel for the appellant challenging the verdict given by the tribunal regarding the driving license in the name of Gurnam Singh to be a fake one and resultantly, the insurance company being absolved of its liability to indemnify respondent No.2.

10. No other point was put-forward by learned counsel for the appellant.

11. I do not find any reason to interfere with the award. The appeal is found to be without merit and is dismissed accordingly.

11.05.2023
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No