

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4001-2010 (O&M)

Date of decision: January 25, 2023

The New India Assurance Company Limited

....Appellant

versus

Paramjeet Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Raj Kumar Bashamboo, Advocate for the appellant.

None for respondents No.1 and 2, despite service.

ARUN MONGA, J. (ORAL)

Appellant before this Court is the Insurance Company seeking to set aside impugned award dated 05.03.2010 passed by learned Motor Accident Claims Tribunal, Chandigarh (for short 'Tribunal), whereby learned Tribunal partly allowed claim petition filed by respondent No.1/claimant while awarding compensation of Rs.1,10,000/- on all counts along with interest at the rate of 7.5% per annum from the date of filing claim petition till realization; and also put liability on appellant and respondents No.2 and 3 (driver and owner respectively of offending vehicle) jointly and severally to pay aforesaid compensation.

2. It is pleaded case of appellant-Insurance Company that as per law, owner has duty to hand over vehicle to a licensed driver, who holds a valid and effective driving license. In the instant case, though owner appeared as witness but did not utter even a single word to state that he

had made all efforts to find out from Authorities with regard to genuineness of driver's license.

3. Despite service, none appears on behalf of respondents No.1 and 2, while as per office report, respondent No.3 (owner) is not residing at given address.

4. When called out for hearing today, at the outset, learned counsel for appellant-Insurance Company candidly admits that instant second appeal is liable to be dismissed in the light of judgment of Apex Court rendered in **Rishi Pal Singh versus New India Assurance Co. Ltd. and others**, reported in **2022 ACJ 1868** whereby, it has been held that once owner is satisfied that driver is competent to drive vehicle, it is not expected from owner thereafter to verify genuineness of driving license issued to driver.

5. In view of judgment of Apex Court rendered in **Rishi Pal Singh's case (supra)**, instant appeal is dismissed.

6. Pending application(s), if any, shall also stand disposed of.

7. In the parting, this Court would like to record its appreciation of learned counsel for appellant-Insurance Company for taking a very candid and fair stand in the matter. Such an approach goes a long way to avoid not only needless litigation but also speedy mitigation of grievance of claimant(s).

(ARUN MONGA)
JUDGE

January 25, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No