

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

FAO-6901-2011 (O&M)

Date of Decision : 25.01.2023

Oriental Insurance Company Limited

....Appellant

VERSUS

Somi and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Neeraj Khanna, Advocate for the appellant.

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ALKA SARIN, J. (Oral)

The only grievance of the learned counsel for the appellant in the present case is that the driver of the offending vehicle i.e tipper bearing registration No.HR-37-B-8785 was holding a fake driving licence. Admittedly in the same accident, which took place on 08.07.2009, Naib Singh, who was one of the riders of the motor-cycle bearing registration No.HR-03-J-8239 had also filed a claim petition being MACT Case No.106 of 2010 which was decided vide award dated 30.09.2011. In the said award, it was categorically held that the driving licence of respondent No.1 therein i.e. Des Raj was valid. The said award attained finality inasmuch as the same was not challenged by the Insurance Company.

Learned counsel for the appellant is unable to convince this Court as to how the objection qua the driving licence being fake can be raised in the present appeal when the award dated 30.09.2011 passed in the case of Naib Singh was not challenged, wherein a categoric finding had also been returned that respondent No.1 therein, namely, Des Raj was holding a valid the licence.

In view of the above, I do not find any merit in the present appeal which is accordingly dismissed. Pending applications, if any, also stand disposed off.

January 25, 2023
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(ALKA SARIN)
JUDGE

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