

(134)

Date of Decision: 21.05.2024

..Appellant

...Respondents

FAO-1567-1993

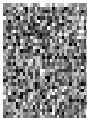
..Appellant

...Respondents

Mr. Vijay S. Kajla, Advocate
for respondent no.3/owner.

TRIBHUVAN DAHIYA, J. (Oral)

3. The only ground of challenge is invalid driving licence of the second respondent. A perusal of the award shows owner of the vehicle, RW-1, testified that he had appointed the second respondent, who was having a valid driving licence, as driver. A photocopy of his licence was also placed on



FAO-1566-1993 & FAO-1567-1993

record as Ex. R1. On that basis, the Tribunal concluded that the offending vehicle was being driven by a duly authorised person who had a valid driving licence. Presumption of the licence being fake would not arise only because name of the State from which it was issued could not be mentioned.

4. Learned counsel for the petitioner is not in a position to dispute this factual aspect, nor that the issue stands settled against the Insurance Company in *Pepsu Road Transport Corporation v. National Insurance Company*, 2013 (10) SCC 217. The judgment holds, once the owner has taken reasonable care in employing a qualified and competent person to drive the vehicle, he is not required to go beyond that regarding verification, and the Insurance Company would be liable to pay the compensation.

4. In view thereof, no exception can be taken to the findings recorded by the Tribunal that the appellant is liable to pay the compensation. There is no merit in the appeals and same stand dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

21.05.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No