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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1085-2024 (O&M)
Reserved on : 07.03.2024
Date of Decision : 14.03.2024

The Oriental Insurance Company Ltd.

....Appellant

VERSUS

Meera and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Alankrit Bhardwaj, Advocate for the appellant.

ALKA SARIN, J.

1. The present appeal has been filed by the appellant-Insurance Company challenging the award dated 04.01.2024 passed by the Motor Accident Claims Tribunal, Shaheed Bhagat Singh Nagar (hereinafter referred to as 'Tribunal').

2. Learned counsel for the appellant-Insurance Company would contend that the driver was not holding a valid driving license and hence the appellant-Insurance Company ought to have been given recovery rights. The learned counsel would further contend that the driving license of the driver was for commercial transport vehicle upto the unladen weight of 7500 kgs

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and that the vehicle had an unladen weight of 8610 kgs and hence the driving license was itself invalid.

3. I have heard the learned counsel for the appellant-Insurance Company.

4. In the present case, the only argument raised by the learned counsel is as noticed above. The argument raised by the appellant-Insurance Company before the Tribunal was that the driver of the offending vehicle was not holding a valid and effective driving license at the time of the accident. The argument that was raised and dealt with by the Tribunal was that there was no valid driving license at the time of the accident and the license had expired. However, on the basis of the evidence, the Tribunal held as under :

“25. Thus, from the deposition of Court Witness Vivek Kumar Kharwa, Regional Inspector, it is clear that immediately on the expiry of the period of his driving license on 11.07.2022, as is clear from Ex.R-7, he applied for the renewal of his driving license on 12.07.2022, which fact is clear from the application reference slip Ex.R-8, however, since due to rush, as per Ex.CW1/A, the appointment of the applicant was scheduled on 23.02.2023, without there being any fault of respondent no.1, therefore, the driving license of respondent no.1 was renewed from the date of appointment i.e. 23.02.2023 and is valid till 22.02.2028 (Transport category) as is proved

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*from the copy of his renewed driving license Ex.R-9.
Thus, it is crystal clear that at the time of accident,
respondent no.1 had already applied for renewal of his
license to drive the offending vehicle. That was all he
could do and remaining exercise was for the transport
department to complete.”*

5. The argument being raised now by the learned counsel for the appellant-Insurance Company was not even raised before the Tribunal. In view thereof, I do not find any merit in the present appeal which is accordingly dismissed. Pending applications, if any, also stand disposed off.

**(ALKA SARIN)
JUDGE**

14.03.2024
Yogesh Sharma

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