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

FAO-7817-2015 (O&M)

Date of Decision : 04.12.2024

Alive Developers Pvt Ltd

... Appellant(s)

Versus

The New India Assurance Co Ltd & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mukesh Kumar Sharma, Advocate for the appellant.

Mr. Sukhdarshan Singh, Advocate for the respondent No.1.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the appellant-owner aggrieved by the impugned award dated 08.09.2015 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal'), whereby recovery rights have been given against the driver and owner to the Insurance Company-respondent No.1.

2. Since the factum of the accident is not in dispute, hence, the facts are not being adverted to.

3. Learned counsel for the appellant would contend that the driving licence was held to be a fake licence as it was not originally issued by the Licensing Authority, Hyderabad, though it was validly renewed later on by the Licensing Authority, Kurukshetra. It is further the contention of the learned counsel that the Managing Director of the appellant-Company had stepped into the witness box as RW2 and had stated that the driving licence had been verified from the concerned Authority i.e. Ambala,

Kurukshetra and Karnal and the driving skills of the driver had been tested and having been found to be competent, he was engaged. The learned counsel has further relied upon the judgment of the Hon'ble Supreme Court in the case of **Rishi Pal Singh Vs. New India Assurance Co. Ltd. & Ors. [2022 ACJ 1868]** to contend that the owner of the vehicle is only expected to verify driving skills and not run to the Licensing Authority to verify the genuineness of the driving licence before appointing a driver. It is further the contention of the learned counsel that in the present case the driving licence had been got verified from Kurukshetra, Karnal and Ambala and the driving licence had been renewed by the Licencing Authority, Kurukshetra and that once the Licensing Authority, Kurukshetra had renewed the licence, recovery rights could not have been granted to the Insurance Company against the owner and driver.

4. *Per contra*, the learned counsel for the respondent No.1 would contend that RW2 in his cross-examination has admitted that the licence was not verified from the Licensing Authority, Hyderabad and that the licence having been found to be false and never issued by the Licensing Authority Hyderabad, hence, recovery rights have rightly been given.

5. I have heard the learned counsel for the parties.

6. Hon'ble Supreme Court in the case of **Rishi Pal Singh** (supra) has held as under :

“10. The owner of the vehicle is expected to verify the driving skills and not run to the licensing authority to verify the genuineness of the driving licence before

appointing a driver. Therefore, once the owner is satisfied that the driver is competent to drive the vehicle, it is not expected from the owner thereafter to verify the genuineness of the driving licence issued to the driver.”

7. In the present case the Managing Director of the appellant company appeared in the witness box as RW2 and has specifically stated that the licence had been verified from Ambala, Kurukshetra and Karnal and the driving skills of the driver had been tested and after assessing the competence of the driver, he was employed by the company. The learned counsel has contended that the licence was renewed by the Licensing Authority, Kurukshetra, which was verified by the appellant though they were not even required to do so as per the judgment of the Hon’ble Supreme Court in the case of **Rishi Pal Singh** (supra). The argument of the learned counsel for the appellant finds force in view of the law laid down by the Hon’ble Supreme Court in the case of **Rishi Pal Singh** (supra). The appellant not only checked the competence of the driver but also went a step ahead and verified the licence from the Licensing Authority, Kurukshetra who had renewed the licence. Once the licence had been renewed by the Licensing Authority, Kurukshetra and the fact that the owner is only to check the competency of the driver, the impugned award to the extent that the recovery rights have been given against the driver and owner deserves to be set aside. Accordingly, the present appeal is allowed. The impugned award stands modified to the extent that the Insurance Company-

respondent No.1 would be liable to pay the compensation and would not have any right to recover.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

04.12.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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