



299

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

FAO-2969-2018 (O&M)

Date of Decision : 04.12.2024

M/s United India Insurance Co Ltd

... Appellant(s)

Versus

Mohamed Yusuf & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajneesh Malhotra, Advocate for the appellant.

None for the respondent No.4.

Respondent No.5 proceeded against *ex parte*
vide order dated 23.03.2023.

ALKA SARIN, J. (Oral)

CM-11495-CIL-2018

1. This is an application for condonation of delay of 21 days in filing the appeal.

2. For the reasons stated in the application, delay of 21 days in filing the appeal is condoned. CM stands disposed off.

FAO-2969-2018

3. The present appeal has been preferred by the appellant-Insurance Company aggrieved by the impugned award dated 12.01.2018 passed by the Motor Accident Claims Tribunal, Mewat (hereinafter referred to as 'Tribunal').

4. Vide order dated 01.06.2018, notice of motion was issued qua respondent Nos.4 and 5 with regard to liability only.

5. Learned counsel for the appellant-Insurance Company would contend that after the award had been passed, a letter was sent by the Investigator, United India Insurance Company to the Regional Transport Office, Ferozepur. The learned counsel would further contend that a report was received from the Secretary, Regional Transport Authority, Ferozepur stating that there was no driving licence entry in their computer record as mentioned in the letter (Annexure A2) and, hence, the driving licence being fake, the appellant-Insurance Company ought to have been granted recovery rights.

6. No one has put in appearance on behalf of the respondent Nos.4 and 5 despite service by way of publication.

7. Heard.

8. In the present case, the letter (Annexure A-2) which has been placed on the record is on the letterhead of one Arpit Singla, Advocate. Though in the letter it has been mentioned Investigator United India Insurance Company, however, it is not decipherable as to whether the letter was sent on behalf of the Advocate who has appended his signatures at the bottom as Advocate or it was sent by the Investigator appointed by the United India Insurance Company. Faced with the same, the learned counsel for the appellant states that the counsel himself was appointed as an Investigator. However, there is no record which has been appended with the application to even remotely suggest that Mr. Arpit Singla, Advocate was appointed as an Investigator by the United India Insurance Company. The appellant-Insurance Company failed to adduce any evidence before the Tribunal to show that the driving license was fake.

9. In view of the above, I do not find any merit in the present appeal. The same being devoid of any merits is, accordingly, dismissed. 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