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

**CM-5275-CII-2015 in/and  
FAO No.1793 of 2015 (O&M)  
Date of decision : 07.02.2025**

NEW INDIA ASSURANCE COMPANY LTD  
Versus

....Appellant

RITU SHARMA AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. R.C. Kapoor, Advocate  
for the applicant/appellant.

Ms. S.S. Swaich, Advocate,  
Mr. S.S. Sandhu, Advocate,  
Ms. Ishani Goyal, Advocate and  
Ms. Deepika, Advocate for respondent No.4

**PANKAJ JAIN, J. (ORAL)**

**CM-5275-CII-2015**

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 52 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 52 days in filing the instant appeal is hereby condoned.

**FAO No.1793 of 2015**



Insurance Company is in appeal aggrieved of the findings recorded on issue No.3.

2. Mr. Kapoor while assailing the impugned award submits that the licence possessed by the driver of the insured vehicle was fake. In order to prove the same, Clerk Sunil Kumar was examined as RW1, who stated in his examination-in-chief that the licence bearing Sr. No.7178 was issued by the authority in the name of Gurpreet Singh and not Charan Singh.

3. The precise issue has been dealt by the Tribunal in the impugned award observing as under :

16. Respondent No.1 has prove the driving license Ex.R1. Sunil Kumar Clerk RW-1 has stated in the cross-examination that they are maintaining two registers in their office on 31.3.2006 and has further stated that at Sr. No.7178 there is no signatures of the Licensing Authority, but the entry finds mention and this driving license is for scooter, car and jeep and that fee of Rs.140/- has been filed and has further stated that as per Ex.R2, license No.7178 is correct but Ex.R2 has no signatures of the authority but Ex.R1 license bears the signatures. Thus from this statement of RW-1 Sunil Kumar, it is clear that two registered are maintained in their office and that license has entry at Sr.No.7178 in the other register. So the evidence led by the Insurance Company is not sufficient to hold that the license in question of respondent No.1 is fake and as such, the Insurance Company has insured the motor cycle No. PB-39-C-2098 owned by respondent No.1. Thus the claim petition is maintainable against all the respondents and all the respondents are jointly and severally, liable to pay the amount of compensation to the claimants.



4. Mr. Kapoor submits that the Tribunal has wrongly relied upon the cross-examination ignoring the examination-in-chief.
5. The argument raised is misconceived. The evidence includes cross-examination and the truth of a witness is unearthed in the cross-examination. It has come in the cross-examination of RW1 that the licensing authority was maintaining two registers in their office. Though in one register there were no signatures at Sr. No.7178 of the licensing authority whereas in the other, there were signatures. Ex.R2 licence No.7178 had no signatures whereas Exhibit R1 licence No.7178 bears signatures of the licensing authority.
6. In view thereof, the Tribunal found that from the testimony of RW1 Sunil Kumar, it cannot be held that the licence, in question, was fake. Apart from the aforesaid evidence, no evidence was led by the insurer to prove breach of policy.
7. In view of above, this Court does not find any reason to interfere in the present appeal. Resultantly, the same is ordered to be dismissed.
8. Pending application, if any, shall also stand disposed off.

February 07, 2025

Dpr

(Pankaj Jain)  
Judge

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