

**SURJIT KAUR AND OTHERS
VS
INDERPAL SINGH AND OTHERS**

Present: Mr. Vipin Mahajan, Sr. Advocate with
Ms. Chandanpreet Kaur, Advocate
for the claimant.

Mr. Vinod Kumar Sharma, Advocate for
Mr. Satpal Singh, Advocate
for the appellants.

Mr. Paul S. Saini, Advocate
for respondent-Insurance Company.

1. The present application has been filed under Order XLVII Rule 1 read with Section 151 CPC seeking review of the judgment dated 09.08.2024 on the ground that the cross-objections filed by the applicants were not adjudicated.

2. Learned counsel for respondents No.1 and 3/cross-objectors submits that respondent No.3 has been erroneously fastened with liability to pay compensation to the claimants. It is contended that while deciding Issue No.5, the learned Tribunal failed to consider material evidence on record, namely the verification report (Ex. R-1/1), copy of the driving licence (Ex. R-1/2), as well as the testimony of Inderpal Singh (RW-1). It is argued that Ex. R-1/2 is the driving licence of respondent No.1/cross-objector Inderpal Singh, which clearly formed part of the record. However, despite the existence of this documentary evidence, the learned Tribunal recorded a finding that the driving licence of the driver was not available on the file and that the driver failed to produce either the original or a copy of the same. It

is, thus, submitted that the findings of the learned Tribunal are contrary to the evidence on record.

3. On 07.05.2025, the following order was passed by this Court:-

“Learned counsel for respondents No.1 and 3/cross-objectors contends that respondent No.3 has wrongly been held liable to pay the compensation to the appellants/claimants because while deciding Issue No.5, learned Tribunal has totally ignored the evidence on record i.e. verification report (Exhibit R-1/1) and copy of driving license (Exhibit R-1/2) and the statement made by Inderpal Singh, who was examined as RW-1. He further contends that Exhibit R-1/2 is the driving license of Inderpal Singh, respondent No.1/Cross-Objector, which was very much on the record whereas, the learned Tribunal while deciding the claim petition has totally ignored the same and held that the driving licence of the driver was not on the file and Inderpal Singh was required to produce the original or copy of the driving licence. He, therefore, prays that the findings of the learned Tribunal are contradictory to the record.

In view of the above, learned counsel for the respondent-Insurance Company is directed to verify the aforesaid fact and make a statement in this regard.

Adjourned to 05.08.2025.”

4. On the last date of hearing, i.e., 25.08.2025, this Court passed the following order:

“Learned counsel for respondent No.2–Insurance Company seeks some more time to comply with order dated 07.05.2025. Learned counsel for respondent No.2–Insurance Company is granted one last opportunity to verify the contents of the cross-objections filed by

respondents No.1 and 3. On her request, adjourned to 10.09.2025. It is made clear that if no response from respondent No.2–Insurance Company is received on the next date of hearing, the cross-objections shall be decided on merits as per the record.”

5. Today again, learned counsel for the applicants submits that despite repeated efforts, the Insurance Company has not furnished any response.

6. Learned counsel for insurance company was unable to rebut the same.

7. In view of the order dated 25.08.2025 and the persistent non-response of respondent No.2–Insurance Company, this Court proceeds to decide the present review application on the basis of the available record.

8. Upon examination of the record, it emerges that the driver of the offending vehicle, Inderpal Singh, categorically stated in his testimony that he possessed a valid driving licence issued by the Licensing Authority, Mukerian, valid up to 29.03.2006. During cross-examination as well, he reiterated that he was holding a valid driving licence.

9. Further, the verification report regarding the driving licence, which forms part of the record, substantiates that on the date of the accident, the driver was having valid and effective driving licence.

10. In light of the above, the finding recorded by the learned Tribunal that the driver did not possess a valid driving licence is unsustainable in law, being contrary to the documentary and oral evidence on record. Consequently, the direction granting recovery rights in favour of the

Insurance Company cannot be upheld and is liable to be set aside.

11. Accordingly, the Insurance Company alone shall be liable to satisfy the award in favour of the claimants.
12. In view of the foregoing discussion, the present review petition stands allowed.

**(SUDEEPTI SHARMA)
JUDGE**

15.12.2025
Ayub