

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****266****FAO-8350-2017 (O&M)****Date of Decision : 11.02.2025**

National Insurance Co. Ltd.

....Appellant

VERSUS

Gurmailo @ Gurmail Kaur and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Satpal Dhamija, Advocate for the appellant.

Mr. D.K. Singal, Advocate for respondent No.5.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the Insurance Company challenging the award dated 28.08.2017 passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as the 'Tribunal') on the grounds of quantum of compensation and recovery rights as the driving licence of respondent No.4-driver being fake.
2. A Co-ordinate Bench of this Court vide order dated 23.02.2018 disposed off the appeal qua the quantum of compensation and issued notice of motion only qua the issue of the driving licence.
3. Learned counsel for the appellant would contend that the verification report was submitted by the appellant herein qua the licence issued by the Licensing Authority concerned, which was produced on record as Ex.R5, and that the same has been ignored by the Tribunal while deciding the appeal.

4. *Per contra* learned counsel for respondent No.5 would contend that the verification report (Ex.R5) was only tendered in evidence and no witness was examined from the Licensing Authority to prove the said report. In support of his contention, learned counsel for respondent No.5 has relied upon judgments of this Court in cases of **United India Insurance Company Ltd. vs. Sheonath & Ors.** [2007 (55) RCR (Civil) 601]; **M/s The New India Assurance Company Limited Ludhiana vs. Sunita Rani & Ors.** [2013 (40) RCR (Civil) 338]; **Reliance General Insurance Company Ltd. vs. Vijay & Ors.** [2016 (2) PLR 478] and **Bajaj Allianz General Insurance Company Ltd. vs. Mahesh Kumar & Ors.** [2010 (2) RCR (Civil) 785].

5. Heard.

6. In the present case the alleged verification report (Ex.R5) was only tendered in evidence and was not proved in accordance with the law. No witness was examined to prove the said report. This Court in the case of **United India Insurance Company Ltd. vs. Sheonath** (*supra*) held as under:

“ 2. The claim made in the appeal is that the driving licence of the driver of the offending vehicle was fake and accordingly Insurance Company would not be liable for compensation as it would be owner of the vehicle or driver would be liable to satisfy the award. However, a perusal of the award shows that the appellant could not lead evidence to the satisfaction of the Court that driving

licence was fake. All what was produced on record was a reports of their Surveyor and the licencing authority, which were not admissible as such in the evidence as no one was produced to prove these documents.”

7. Further in case of **M/s The New India Assurance Company Limited Ludhiana vs. Sunita Rani** (*supra*) it was held as under :

“ 3. A perusal Ex.R2 would show that it is a report coming from Licensing Authority Gwalior. It is not evident as to by what mode it came and in the absence of anyone to prove that this report was made by the Licensing Authority after consulting the record of the Authority, it cannot be held admissible in evidence.

4. A document, even if received by post, cannot be presumed to have been received from the Licensing Authority and cannot be believed to be a genuine document. The requirement of proving the said document was still there. I cannot agree with the decision in Jagmohan Singh's case [supra] in this regard. The insurance company could not be absolved of its liability to prove this report Ex.R2 and merely putting of exhibit on the same, would not prove it.”

8. Similar view has been taken by this Court in **Reliance General Insurance Company Ltd. vs. Vijay** (*supra*) and **Bajaj Allianz General Insurance Company Ltd. vs. Mahesh Kumar** (*supra*).

9. In the absence of any evidence having been led to prove the said verification report, the same has rightly not been considered by the Tribunal.

10. In view of the above, I do not find any merit in the present appeal and the same is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

11.02.2025
jk

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