

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-481-2002 (O&M)

RAJ KUMAR AND ANOTHER

..... APPELLANTS

VERSUS

SATYAWAN AND OTHERS

.... RESPONDENTS

1.	Judgment reserved on	21.01.2026
2.	Judgment pronounced on	31.01.2026
3.	Judgment uploaded on	31.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	No

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by : Mr. Rakesh Nehra, Sr. Advocate with
Mr. Rupender Singh, Advocate
for the appellants.

Mr. Vikas Chatrath, Sr. Advocate with
Ms. Priya Kanshik, Advocate and
Mr. Abhishek Sharma, Advocate
for respondent No.2-NIC.

YASHVIR SINGH RATHOR, J. (Oral)

1. The present appeal has been instituted by owner and driver of the offending vehicle against the Award dated 09.08.2001 passed by the Motor Accident Claims Tribunal, Rohtak vide which a sum of



Rs.50,000/- has been awarded as compensation to petitioner and proforma respondents No.4 to 7 under no fault liability on account of death of their mother, namely, Chand Kaur, caused by the offending vehicle i.e. Truck bearing registration No.HR-22-8849, being driven by appellant No.1-Raj Kumar (hereinafter referred to as respondent No.1) rashly and negligently which was owned by appellant No.2-Manohar Lal (hereinafter referred to as respondent No.2) and insured with respondent No.3-NIC, whereby, respondents No.1 and 2 were held liable to pay compensation jointly and severally.

2. Brief facts of the case are that on 05.11.1999, at about 8:30 A.M., Chand Kaur along with her son Ranbir was going to her fields to collect fodder for their cattle in a tractor. When they reached near Bahalba turning on National Highway No.10, they left the tractor there and started proceeding on foot towards their fields. In the meanwhile, TATA Tempo 407 vehicle bearing registration No.HR-22-8849, being driven by Raj Kumar-respondent No.1 at a very high speed and in a rash and negligent manner came from Meham side and hit Chand Kaur. Thereafter, the said vehicle also hit labourers, who were engaged at the spot in road construction work and some of them also sustained multiple injuries. The mother of the petitioner died at the spot as a result of the injuries sustained by her in the aforesaid accident. Soon after the accident, Ranbir, son of deceased Chand Kaur with the help of one Rajbir and some other villagers took the deceased and other injured to PGIMS, Rohtak, in the same offending vehicle. On reaching PGIMS, Rohtak, when they were busy in taking treatment, the driver of the offending



vehicle fled away from the hospital. It is submitted that the accident in question occurred due to the rash and negligent driving on the part of respondent No.1, while driving Tata Tempo bearing registration No.HR-22-8849.

3. Respondents No.1 and 2 filed a joint written statement denying all the averments made in the claim petition. It was pleaded that a false case has been got registered against respondent No.1 in collusion with the police, solely with a view to obtain compensation, and therefore, the petitioner is not entitled to any compensation. It was further contended that the deceased herself was negligent in crossing the road abruptly and without caring for the traffic. Respondent No.1 claimed that he had made his best efforts to avoid the accident but could not succeed and it was an act of God. Accordingly, dismissal of the petition was sought.

4. Respondent No.3-National Insurance Company filed separate written statement and opposed the petition on the ground of cause of action. It is further submitted that the driver of the offending truck was not holding a valid and effective driving licence to drive the truck at the time of accident and therefore, no liability could be fastened upon the Insurance Company. Moreover, it was contended that no intimation regarding the accident had been received by the insurer.

5. Following issues were framed by the Tribunal on 24.11.2000, for adjudication:

“1. Whether present accident is not outcome of rash and negligent driving of respondent No.1 Raj Kumar, while



driving vehicle bearing No. HR-22/8849, on 5.11.99, at 8.30 a.m. in the area of village Behlba, in which Chand Kaur lost her life, as alleged? OPP

2. *If issue No.1 is proved in affirmative to what amount and from whom the petitioner is entitled to recover? OPP*
3. *Whether respondent No.1 was holding a valid driving license on the date of accident? OPR*
4. *Relief.”*

6. To substantiate his case, Satyawar (hereinafter referred to as petitioner) himself appeared in the witness box as PW1 and stated that his mother Chand Kaur died in a road side accident on 05.11.99. He has however, made a statement on 16.4.2001, restricting his claim under the head "No Fault Liability." He has also placed reliance upon photocopy of postmortem report of deceased Chand Kaur Ex. P1 and copy of pension book Mark-A and closed his evidence.

7. In rebuttal, the respondents examined Raj Kumar, driver of Tata-407, bearing No. HR-22-8849 as RW1, Suresh Kumar Crl. Ahlmad of the Court of JMJC Meham as RW2, Indrosh Singh, Clerk Licensing Authority, Tohana as RW3. Learned counsel for respondent No.3 tendered in evidence Insurance Policy Ex.R3 and closed the evidence on behalf of the respondent No.3. Learned counsel for respondents No.1 & 2 and proforma respondents No.4 to 7 also closed evidence on behalf of the remaining respondents.

8. After hearing the parties, learned Tribunal held under issue



No.1 that the accident was not an outcome of rash and negligent driving on the part of respondent No.1 while driving the offending vehicle. Under Issue No.3, the Tribunal held that respondent No.1 was not holding a valid and effective driving licence and the Insurance Company was exonerated from its liability. The Tribunal held respondents No.1 and 2 jointly and severally liable and awarded a sum of Rs.50,000 under the head “No Fault Liability”, along with interest @9% per annum from the date of filing of claim petition till realization.

9. Feeling aggrieved, the present appeal has been filed by respondents No.1 and 2 against the Award.

10. I have heard learned counsel for both the parties and have gone through the material on record.

11. Learned Senior Counsel for the appellants argued that the impugned award is based on conjectures and surmises and that the material evidence on record has not been appreciated in correct perspective while arriving at the conclusion that respondent No.1 was not holding a valid and effective driving licence authorizing him to drive a Light Transport Vehicle (LTV), despite the fact that the driving licence was produced in evidence as Ex. R2 and duly endorsed by the SDO(C), Tohana to that effect. Learned Senior Counsel further contended that reliance has been wrongly placed upon the testimony of RW3 Indrosh Singh, Licensing RTA Clerk, Tohana, while arriving at the conclusion that no licence had been issued authorizing respondent No. 1 to drive a light transport vehicle. Learned counsel prayed that the present appeal be allowed and the impugned award be modified and the Insurance



Company be directed to indemnify the insured.

12. On the other hand, learned counsel for the contesting respondents argued that the judgment under challenge is perfectly legal and valid. It is contended that the evidence on record has been appreciated in the correct perspective and that it is established that the driver had made alterations in the original driving licence by adding “Light Transport Vehicle”, to show that he was authorized to drive such a vehicle. However, as per the record maintained by the Licensing Authority, he had not been issued any driving licence authorizing him to drive a light transport vehicle. Learned counsel prayed that the present appeal be dismissed.

13. The challenge in the present appeal is only qua finding on issue No.3 and the finding of the learned Tribunal on issue No.3 is reproduced as under:-

“16. I propose to deal with issue No.3 first as it has an important bearing on the finding of issue No.2 which is regarding the quantum of compensation, to be awarded to the petitioner if any and the liability to make payment thereof.

17. While appearing as RW1 Raj Kumar respondent No.1 the driver of Tata-407 bearing No. 1R-22/8849, he claimed that he was holding a valid driving license on the date of accident, a photocopy of which has been placed on record as Mark-A. He further stated that his original driving license was tagged with the judicial file pending in the Court at Meham. He has also secured a report from the Licensing Authority Tohana, regarding his driving license, a photocopy of which is Mark-B. He has further claimed that he was authorised to drive the vehicle in question on the date of accident. When he was employed as driver of the aforesaid vehicle by respondent No.2, he had seen his driving license as well as the report. In cross-examination, respondent No. 1 has, however, admitted that on the date of issuance of the driving license from RTA Tohana, he was authorised to drive motor-cycle, car and jeep



only. RW2 Suresh Kumar Ahlmad has produced the criminal case file titled State Vs. Raj Kumar, arising out of FIR No. 249, of 1999, under Sections 279/337/304-A IPC, registered at police station Meham, alongwith the original driving license of Raj Kumar respondent No.1. RW3 Indrosh Singh Licensing Clerk RTA Tohana, had brought the record of the aforesaid authority, which showed that the police has taken to possession the record of about 60000 driving licenses, issued during the period from 1.4.97 to 31.3.2000, from the said office vide recovery memo dated 7.5.2001 Sh. R.S. Chahal, the then SDM Tohana, during his tenure issued driving licenses in thousands to various persons but had not deposited the requisite license fee into the treasury and thereby caused a great financial loss to the State Exchequer. A criminal case has been registered against Sh.R.S. Chahal, the then SDM Tohana for the aforesaid irregularities. RW3 Sh. Indrosh Singh Clerk RTA Tohana has proved the report Ex.R1 furnished by him to the investigator of the Insurance Company dated 25 8.2000, after verifying the record that Raj Kumar respondent No. 1 was issued driving licence authorising him to drive scooter, motor cycle, car and jeep only, issued to him on 11 7.97, valid upto 10.7.2002. He has categorically stated that no driving license authorising Raj Kumar respondent No.1 to drive light transport vehicle was issued by the said authority. However, respondent No.1 has placed on record photocopy of the report dated 2.12.07, Mark-B furnished by RTA Tohana, to prove on record that he was issued the original driving license with respect to scooter, M/cycle, car, jeep and LTV only. Learned counsel appearing on behalf of respondent No. 1 could not dare to get the report dated 2.12.97 (Mark-B), proved from RW3 Indrosh Singh, for the reasons best known to him. Therefore, photocopy of the report Mark-B of RTA Tohana, remained unproved on the record and the same cannot be taken into account to draw an inference that Raj Kumar respondent No.1 was holding LTV driving license on the date of issuance of original license, photocopy of which is Ex R2. A close scrutiny of the original driving license seen from the judicial file brought by RW2 Suresh Kumar, Ahlmad, a photocopy of which has judicial been placed on the file as Ex.R2, further clinches the issue that some forgery has been made by Raj Kumar respondent No.1 in the original driving license by incorporating the alphabets LTV in different ink with bigger size of letters of LTV than the letters with which words scooter, M/cycle, car, jeep have been written in the



endst. on the driving License Ex.R2. According to RW3 Indrosh Singh, there was no record available with RTA Tohana, for the issuance of LTV license, to Raj Kumar respondent No.1.

18. A close scrutiny of the above evidence produced by Raj Kumar respondent No.1 and the National Insurance Company/respondent No.3, would go to show that no doubt, Raj Kumar respondent No.1 was issued driving license, bearing No.28092/SDT on 11.7.97 by Licensing Authority, Tohana authorising him to drive motor-cycle, car and jeep only and which was valid w.e.f. 11.7.97 to 11.7.2002. Since, this Tribunal has detected act of the forgery of word LTV committed on the original driving license the photocopy of which is Ex.R2 which is hardly of any significance. An inference can be drawn from the facts and circumstances appearing in the case as well as keeping in view the statement of RW2 Indrosh Singh Clerk, Licensing Authority, Tohana, that Raj Kumar respondent No.1, was never issued any driving license by the said Licensing Authority, authorising him to drive light transport vehicle. The aforesaid manipulation and forgery has been committed by respondent No.1 with a view to escape his liability to pay compensation to the petitioner, if any. Admittedly, on the date of accident Raj Kumar respondent No.1 was driving Tale-407 vehicle, which is a light transport vehicle but he has not been found in possession of a valid and effective driving license to drive the same. A reference in that behalf may be taken from National Insurance Company Ltd. Vs. and Sundarraaj and 2 Ors., 1 (2000) ACC-452, wherein the Hon'ble High Court of Madras paras-4 and 16 of its judgment observed as under:

Admittedly, the driver though held a license for driving a light motor vehicle did not have an endst. for driving an auto-rickshaw. The Tribunal found that the auto-rickshaw is only a light motor vehicle and the licence to drive the light motor vehicle would also cover the case and the Insurance Company is, therefore, liable to indemnify the owner of the vehicle. It was further observed that the Tribunal was clearly in error in fastening the liability on the Insurance Company in the accident involving an auto-rickshaw for driving which third respondent required a valid endorsements. The appeal will, therefore, stand allowed and the Insurance Company will stand exonerated from liability.



19. In view of my aforesaid discussion I am constrained to observe that Raj Kumar respondent No.1 was not holding a valid and effective driving license in the form of LTV to drive Tata-407 bearing registration No. HR-22/8849, on the date of accident. Hence, the finding of Issue No.3 is decided in favour of the Insurance Company/respondent No.3.”

14. It is pertinent to mention that the record of the present appeal and the Tribunal has got burnt in a fire incident in the High Court Branch and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal.

15. A perusal of the aforesaid findings arrived at by the Tribunal goes to show that on appreciation of the evidence and the record from the Licensing Authority produced before the Tribunal, it was established that respondent No.1 had been issued a licence by RTA, Tohana authorizing him to drive motorcycle, car and jeep only. The Licensing Authority had issued about 60,000 driving licenses during the period 01.04.1997 to 31.03.2000 and FIR was registered against the then SDM, Tohana/Licensing Authority during whose tenure licences were issued and he had not deposited the requisite license fee in the Treasury. RW3 Indrosh Singh, Clerk, RTA, Tohana has proved the report Ex.R1 furnished by him to the Investigator of the Insurance Company dated 25.08.2000, after verifying the record in his possession that license had been issued in favour of respondent No.1 on 11.07.1997, authorizing him to drive scooter, motorcycle, car and jeep only but he had not been authorized to drive 'light transport vehicle'. Respondent No.1 had also placed on file one report dated 02.12.1997 (Mark-B) furnished by RTA,



Tohana, to show that he was authorized to drive LTV but he did not dare to prove the report Mark-B and did not put the same to RW3 Indrosh Singh, during his cross-examination for the reasons best known to him and since the report Mark-B remained unproved, learned Tribunal discarded the same and did not take it into consideration. Learned Tribunal also observed that in the photocopy of the driving licence (Ex.R2) produced by respondent No.1, he had made interpolations by incorporating the alphabets ‘LTV’ in diferent ink with bigger size of letters than the letters with which words ‘scooter, motorcycle, car and jeep’, had been written in the endorsement on the driving licence Ex.R2. Learned Tribunal thus rightly came to the conclusion that licence relied upon by the respondent No.1 whose photocopy Ex.R2 was led in evidence was not a genuine document and discarded the same by a way of well reasoned finding. There is thus no reason to take a contrary view and to arrive at different conclusion. Resultantly, finding on issue No.3 is affirmed.

- 16. Findings on remaining issues have not been assailed.
- 17. As a result of aforesaid discussion, the appeal in hand is ordered to be dismissed with costs.
- 18. Pending miscellaneous application(s), if any, shall also stand disposed of.

31.01.2026

Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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