



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-301-1998 (O&M)

Date of decision: 25.02.2026

National Insurance Company Limited, Amritsar

. . . . Appellant

Vs.

Smt. Amarjit Kaur and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.Neeraj Khanna and Mr.Ravinder Arora, Advocates,
for the appellant.

Mr.Nagar Singh, Advocate, for respondents No.1 to 3.

DEEPAK GUPTA, J. (ORAL)

Learned counsel for respondents No.1 to 3 submits that the Special Leave Petition filed before the Hon'ble Supreme Court against the order dated 12.12.2025 passed by this Court, has since been dismissed.

2. Arguments on the main appeal [FAO-301-1998] have been heard.
3. Learned counsel for the appellant-Insurance Company has raised only one issue. It is contended that driving license of the driver-Beer Singh (*respondent No.4 herein*) was fake and therefore, Insurance Company was entitled to recovery rights.
4. A perusal of the award would reveal that the driver had relied upon a copy of the driving license (Mark Z) along with the report of licensing authority, Raipur (MP) (Mark Z1), showing that he was having a valid driving license. On the other hand, Insurance Company had relied upon copy of the report of the licensing authority (Mark Y) along with copy of the surveyor report (Mark X), in order to contend that driving license produced by driver had in fact been issued in the name of one Brij Lal Bhola.
5. However, as conceded by learned counsel for the appellant-Insurance Company, neither the surveyor nor any official from the licensing

authority was examined so as to prove the reports relied upon by the Insurance Company.

6. In view of the above, learned Tribunal has rightly held that onus to prove the breach of the policy was upon the insurance company. Since the said onus was not discharged by the Insurance Company, having failed to examine any official from the licensing authority, therefore, the Tribunal has rightly declined the recovery rights to the Insurance Company.
7. No other point is involved. The appeal stands dismissed.

25.02.2026
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>