



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

106

XOBJC-25-CII-2000 in
FAO-970-1998
Date of Decision:-25.02.2026

Surinder Kaur and others

.....Appellants

Versus

Jasbir Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Aseem Aggarwal, Advocate,
for respondent No.3-cross-objector/Insurance Company.

Mr. N. C. Kinra, Advocate, and
Ms. Apoorva Kinra, Advocate,
for the claimants/appellants.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present cross-objections have been filed under Order 41 Rule 22 read with Section 151 of the Code of Civil Procedure, 1908 on behalf of respondent No.3—The New India Assurance Company Limited, assailing the Award dated 02.02.1998 passed by the learned Motor Accident Claims Tribunal, Ludhiana in the present appeal i.e. FAO-970-1998.

2. Brief facts of the case are that claimants—Surender Singh and others filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation to the tune of Rs.10,00,000/- on account of the death of Rajinder Singh, who died in a motor vehicular accident dated 14.02.1995, allegedly caused by respondent No.1—Jagbir Singh,



while driving truck bearing registration No. HR-12-1585 in a rash and negligent manner. Notice of the claim petition was issued to the respondents. Respondents No.1 and 2 appeared before the learned Motor Accident Claims Tribunal, Ludhiana and filed their joint written statement, taking the plea that the deceased and other persons had died when their scooter struck the truck from behind, which was standing on the road for necessary repairs. Respondent No.3–The New India Assurance Company Limited filed its separate written statement, inter alia, pleading that the driver of the truck was not holding a valid and effective driving licence, registration certificate, route permit and fitness certificate at the time of the alleged occurrence.

From the pleadings of the parties, the following issues were framed:

1. Whether respondent No.1 parked his truck bearing registration No.HR-12-1585 in the middle of the road near Punjab Agricultural University, Ludhiana, and the deceased struck his scooter bearing registration No.PB-10-N-3612 against truck at 9:15 p.m. which was parked without any indicator or with any other precaution resulting in his death at spot? OPA.
2. Whether applicants are the next heirs, legal representatives and deponent upon the deceased ? OPA.
3. To what compensation, if any, the claimants are entitled and from whom? OPA.
4. Whether the petition is bad for misjoinder and non-joinder of necessary parties? OPR-3.



5. Whether the driver of the truck was not having a valid driving licence at the time of accident, if so its effect? OPR-3.
6. Whether Rajinder Singh, deceased, was holding a valid driving licence at the time of occurrence. If so its effect? OPR 3.
7. Relief.

3. The parties led their respective evidence and, upon due appreciation thereof, the learned Motor Accident Claims Tribunal, Ludhiana passed the Award dated 02.02.1998, whereby compensation to the tune of Rs.1,80,000/- was granted along with interest @ 12% per annum from the date of filing of the claim petition till its realization.

4. Aggrieved against the Award, claimant Surender Kaur preferred FAO-970-1998 seeking enhancement of compensation. Notice of the appeal was issued to the respondents. The respondent–Insurance Company put in appearance through its counsel. Thereafter, this Court allowed the appeal and enhanced the compensation to Rs.4,48,000/-, directing the respondent–Insurance Company to release the enhanced amount to the claimants along with interest @ 6% per annum from the date of filing of the instant appeal till its actual realization, vide order dated 27.09.2018. Learned counsel appearing on behalf of the claimants submitted that the claimants are satisfied with the enhanced amount of compensation so awarded.

5. Learned counsel for the cross-objector–The New India Assurance Company Limited submits that the learned Motor Accident



Claims Tribunal failed to properly appreciate Issue No.5, i.e., “*Whether the driver of the truck was not holding a valid and effective driving licence at the time of the accident, and if so, its effect?*”. It is further submitted that the burden of proving the said issue was upon respondent No.3–Insurance Company, and in discharge thereof, the driving licence of respondent No.1 was got verified from the Regional Transport Office, Cuttack. As per verification report dated 24.04.1997, the driving licence bearing No. 5508/S/6-21.09.90, purportedly issued in the name of Jagbir Singh, was found to be fake. It is further submitted that since the driving licence in question had allegedly been issued at Cuttack, which is situated at a distance of more than 500 kilometres from the jurisdiction of the learned Motor Accident Claims Tribunal, Ludhiana, it was not feasible to summon the concerned official from the office of the Regional Transport Officer, Cuttack. It is contended that the only viable course available to respondent No.3–The New India Assurance Company Limited was to examine the said official through a Local Commissioner to be appointed by the learned Tribunal. Accordingly, an application dated 03.07.1997 was moved seeking appointment of a Local Commissioner; however, the same was dismissed vide order dated 28.01.1998. It is further contended that the learned Motor Accident Claims Tribunal did not afford sufficient opportunity to the cross-objector–The New India Assurance Company Limited to assail the order dated 28.01.1998 by way of a revision petition and, instead, proceeded to decide the claim petition in undue haste, culminating in the Award dated



02.02.1998. It is thus submitted that the interim order dated 28.01.1998 stood merged with and formed part of the final Award dated 02.02.1998.

6. It is further submitted that the order dated 28.01.1998 is illegal, untenable in law and contrary to the facts and circumstances of the case. It is contended that the learned Motor Accident Claims Tribunal, Ludhiana ought to have appointed a Local Commissioner, at the cost of the cross-objector, for the purpose of examining the concerned Clerk/official from the office of the Regional Transport Officer, Cuttack. Thus, it is prayed that the present cross-objection be allowed, the Award passed by the learned Motor Accident Claims Tribunal, Ludhiana be set aside to the aforesaid extent, and recovery rights be granted in favour of respondent No.3–The New India Assurance Company Limited against the driver and owner of the offending vehicle.

7. I have heard learned counsel for the cross-objector and have gone through the paper book.

8. After hearing the submissions made by learned counsel for the cross-objector and in view of the discussion made hereinabove, it is observed that while deciding the present appeal on 27.09.2018, although the cross-objections were pressed through counsel, no specific plea was raised by the cross-objector–The New India Assurance Company Limited to the effect that the driving licence of driver–Jagbir Singh was fake. Further, this Court is of the considered view that once the application for appointment of a Local Commissioner had been dismissed vide order



dated 28.01.1998, the cross-objector–The New India Assurance Company Limited could have availed the appropriate remedy in accordance with law; however, no revision petition was filed during the interregnum for reasons best known to it. Accordingly, at this stage, the cross-objector is debarred from raising the plea that the driving licence of driver–Jagbir Singh was fake. Moreover, in the impugned Award dated 02.02.1998 passed by the learned Motor Accident Claims Tribunal, Ludhiana, Issue No.5 was decided against the cross-objector–The New India Assurance Company Limited on the ground that no cogent evidence had been led in support of the plea that the driving licence of the driver was fake.

9. In view of the aforesaid discussion, no illegality or perversity is found in the impugned Award dated 02.02.1998 so as to warrant interference by this Court. Accordingly, the present cross-objection is dismissed.

10. Pending applications, if any, shall stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

25.02.2026
anil

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No