



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

FAO-4233-2022 (O&M)

Date of Decision:-08.05.2026

Dinesh Kumar

.....Appellant

VS.

Mahipal (since deceased) through his LRs and ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Pardeep Chokker, Advocate, (*Through VC*)
for the applicant-appellant.

Mr. Gaurav, Advocate for Mr. Rajbir Singh, Advocate
for respondent No. 2.

Mr. Vishal Taneja, Advocate
for respondent Nos. 1 (i) to (iii).

SUDEEPTI SHARMA J. (Oral)

1. The present appeal is preferred by the appellant- Dinesh Kumar (driver of the offending vehicle) against award dated 20.03.2019 passed by the learned Motor Accident Claims Tribunal, Sonipat (for short, 'the Tribunal'), whereby liability to pay compensation was fixed upon the appellant and Ombir (driver & owner of the offending vehicle) and the Insurance Company was exonerated from the liability.

2. Learned counsel for the appellant contends that the learned Tribunal on the ground that the appellant-driver did not produce the document to show that the offending vehicle was insured, fastened the liability upon the appellant and Ombir (driver & owner of the offending vehicle). He further contends that the



applicant/appellant has moved application bearing No. CM-9019-CII-2023 now for placing on record the insurance policy of the offending vehicle. Therefore, he prays that the present appeal be allowed.

3. Per contra, learned counsel for claimants/respondent No. 1 (I) to (iii) argues on the lines of the award and prays for dismissal of the appeal.

4. Learned counsel for the respondent No. 2-Insurance Company contends that there is nothing in the application to show that despite due diligence, the Insurance policy could not be produced before the learned Tribunal at the time of hearing of the claim petition and thus, learned Tribunal has rightly made appellant and Ombir (driver & owner of the offending vehicle) liable to pay the compensation to the claimants. Therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. A bare perusal of the application bearing No. CM-9019-CII-2023 shows that no valid reasoning is given by the appellant to show that despite due diligence, Insurance Policy and driving licence could not be placed on record before the learned Tribunal. Therefore, the application is liable to be dismissed.

7. On merits, a perusal of the record show that the liability is fixed upon appellant and Ombir (driver & owner of the offending vehicle) and the Insurance Company is exonerated on the ground that appellant-driver could not prove that he was having valid and effective driving licence to drive the offending vehicle and further that the offending was insured on the date of accident.



8. In view of the above, I do not find any merit in the present appeal. Accordingly, application bearing No. CM-9019-CII-2023 as well as main appeal (FAO No. 4233-2022) is ***dismissed***.
9. Pending application(s), if any, also stand disposed of.

08.05.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes