



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 01.05.2026

FAO-7836-2016 (O&M)

New India Assurance Company Limited

...Appellant(s)

Vs.

Braj Kumar Sharma & Others

...Respondent(s)

FAO-4-2017 (O&M)

New India Assurance Company Limited

...Appellant(s)

Vs.

Kusum Srihan & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vinod Gupta, Advocate
for the Insurance Company/appellant in both cases.

NIDHI GUPTA, J.

FAO-7836-2016

The present appeal has been filed by the Insurance Company laying challenge to the Award dated 29.09.2016 passed by Motor Accident Claims Tribunal, Panchkula in MACT Case No.262 dated 18.12.2014 filed by the injured-claimant/respondent No.1 under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') whereby Claim Petition was allowed and compensation of Rs.25,000/- was awarded.



FAO-4-2017

The present appeal has been filed by the Insurance Company laying challenge to the Award dated 29.09.2016 passed by Motor Accident Claims Tribunal, Panchkula in Case No.263 dated 18.12.2014 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') by the claimant/respondent No.1 herein seeking compensation for the damage caused to her car bearing registration No.HR-03Q-8406 in the accident dated 18.07.2014 due to the rash and negligent driving of the truck bearing registration No.HP-12-C-9592.

Both the above appeals are being disposed of by this common order as they arise out of the common Award dated 29.09.2016; both emanate from the accident dated 18.07.2014; and both appeals are between the same parties; and facts and issues involved in both appeals are identical. For the sake of facility, the facts are being drawn from and parties are being referred to as per their status in FAO-7836-2016.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties concluded that claimant/respondent No.1 in FAO-7836-2016 had suffered injuries in a motor vehicular accident that took place on 18.07.2014 due to the rash and negligent driving of truck bearing registration No.HP-12-C-9592 (hereinafter referred to as "the offending vehicle") being driven by respondent No.2, owned by respondent No.3, and insured by the appellant. The compensation of ₹25,000/- has been awarded along with interest @ 6%



per annum. The appellant and respondents No.2 and 3 were held jointly and severally liable for payment of compensation amount.

3. It is inter alia submitted by learned counsel for the appellant that the impugned Award deserves to be set aside as recovery rights ought to have been awarded to the appellant/Insurance Company against the respondents No.2 and 3. It is submitted that the driver of the offending vehicle was not having a valid and effective Driving Licence on the date of accident. Therefore, the Insurance Company is not liable to pay the compensation.

4. It is further submitted that the learned Tribunal has failed to appreciate the evidence on the record to the fact that the original license was issued from the Licensing Authority, Nagaland and as per the Verification Report taken under the RTI Act, the same has been found fake. Thereafter, the same has been shown to be renewed from Licensing Authority, Mansa, but on verification it was found that the same has not been renewed from Mansa, therefore, Insurance Company is not liable to pay any compensation. The learned Tribunal has failed to appreciate the evidence on record to the effect that the truck was not having a valid permit to drive the vehicle as the same has not been produced by the respondents on the driver, therefore, appellant-company is not liable to pay any compensation. It is accordingly prayed that the present appeal be allowed and impugned Award be set aside.



5. No other argument is raised on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

6. A perusal of the impugned Award shows that liability to pay the impugned compensation has been affixed upon the appellant after detailed discussion of the entire facts and evidence brought before the learned Tribunal in Para 18 of the Award, which reads as follows:-

“18. So far liability to pay the compensation is concerned, there is no dispute on the day of accident, the offending truck was owned by the respondent no.2 as per the certificate of registration Ex.R2 and the respondent no.1 was having valid and effective driving licence Ex.R1 to drive the offending truck. The offending truck was insured with the respondent no.3 vide insurance policy Ex.R4 and it was having route permit Ex.R3. The respondent no.3 being the insurer of the offending vehicle is liable to indemnify the respondent no.2 being the registered owner of the offending vehicle from the liability to make payment of compensation to the claimants and the respondent no.2 being the registered owner of the offending vehicle is, vicariously, liable for all the acts and omissions committed by the respondent no. 1 in the course of driving of the offending car. Resultant, all the respondents are jointly and severally held liable to make payment of compensation to the claimants. Issue no.2 goes in favour of the claimants and issue no.3 goes in favour of the respondents no.1 and 2.”



7.

Admittedly, the appellant has not led any evidence to controvert the said findings of the learned Tribunal. Even before this Court, the appellant has not pointed out anything that would merit reappreciation of the matter. Mere reference has been made to a report received under the RTI Act. However, the same is not shown to be attached with the present appeal.
8.

In view of the above, both the present appeals are **dismissed**.
9.

Pending application(s) if any also stand(s) disposed of.

01.05.2026
Sunena

(NIDHI GUPTA)
JUDGE

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