



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-674-2017 (O&M)

PARVINDER SINGH

..Appellant

Versus

RAMESHWAR AND ANR.

..Respondents

Reserved on: 19.12.2025

Date of decision: 12.01.2026

Uploaded on: 14.01.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

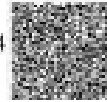
Present: Mr. Narender Pal Bhardwaj, Advocate
for the appellant.

Ms. Rajni Bala Rohilla, Advocate
for respondent No.1.

Mr. Pradeep Kumar, Advocate
for respondent No.2-Insurance Company.

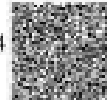
SUDEEPTI SHARMA, J.

1. The present appeal has been filed by the appellant/owner-cum-driver of the offending vehicle against the award dated 19.08.2015 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal'), wherein the appellant/owner-cum-driver of the offending vehicle was fastened with the liability to pay the compensation of Rs.75,000/- to the claimant/respondent No.1 along with interest @ 7.5% per annum from the date of filing of claim petition till recovery.

**BRIEF FACTS OF THE CASE**

2. Brief facts of the case are that on 17.07.2014 at about 5.00 p.m. the petitioner after watering his buffalo from water tank near village school was returning to his house alongwith his buffalo. It is averred that, in the meantime, a truck bearing registration no. HR-37-C-9735 being driven by respondent no.1 rashly, negligently and in a high speed came from side of bus stand of village Garnala and turned his truck towards petitioner; the petitioner in order to save himself jumped aside, but the respondent no.1 hit his truck against the buffalo, as a result thereof, the buffalo suffered multiple injuries; but the truck driver ran away from the spot alongwith the truck. It is further averred that, thereafter the petitioner took his buffalo to animal hospital, Panjokhra, Tehsil and District Ambala, and the same remained under treatment in the hospital up to 18.07.2014, but ultimately died on 18.07.2014. It is further averred that, postmortem examination of its dead body was conducted by the doctors of animal hospital, Panjokhra, Tehsil and District Ambala. It is further averred that, the petitioner has spent more than Rs.20,000/- on the treatment of buffalo which includes medical expenses, transportation etc. It is further averred that, buffalo of the petitioner was of 'Murrah' variety and same was five year old and used to give milk 10-12 kilograms per day. It is further averred that, petitioner also used to sell milk as well as dung cakes in the market. It is further averred that, the buffalo was source of income of the petitioner and due to its sudden death, the petitioner has become totally unemployed.

3. Upon notice of the claim petition, respondents therein appeared and contested the claim petition by filing separate written statement denying the factum of accident/compensation.



4. From the pleadings of the parties, the Tribunal framed the following issues:-

“1. Whether the accident in question took place due to rash and negligent driving of respondent no.1 while driving truck bearing registration no. HR-37-C-9735 causing death of buffalo of Rameshwar, the claimant, as alleged? OPP.

2. If issue no.1 is proved, then to what amount of compensation the claimant is entitled to and from whom? OPP.

3. Whether the respondent no.2 is not liable to pay any compensation, in view of the breach of terms and conditions of the policy of insurance? OPR-2

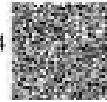
4. Relief”

5. Thereafter, both the parties led their evidence in support of their respective pleadings.

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimant. However, the respondent No.2-Insurance Company was held liable to pay compensation at first instance and recovery rights were given to respondent No.2-Insurance Company to recover the same from appellant-owner-cum-driver of the offending vehicle. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

7. Learned counsel appearing for the appellant-owner-cum-driver contends that the learned Tribunal has committed error in law in fastening liability upon the appellant to pay compensation on the ground that the driving licence of the claimant was fake. He therefore submits that the liability to satisfy the award ought to have been fastened upon the insurance



company, and not upon the appellant-owner-cum-driver. On this grounds, learned counsel prays that the present appeal be allowed and the impugned finding of the learned Tribunal be set aside.

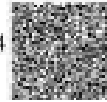
8. Learned counsel for respondent No.1-claimant contends that the learned Tribunal has rightly decided the issue of liability, therefore, he prays for dismissal of the present appeal.

9. Per contra, learned counsel for the respondent No.2 contends that the learned Tribunal has rightly decided the issue of liability. Therefore, he prays for dismissal of the present appeal.

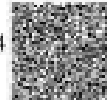
10. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.

11. Before proceeding further it is apposite to reproduce the relevant portion of the award. The relevant portion is reproduced as under:-

15 Onus to discharge this issue is on the respondent no.2. The learned counsel for respondent no.2 had moved an application for directing the respondent no.1 to supply legible copy of driving licence of respondent no.1, certificate of registration, fitness certificate and route permit of truck bearing registration no. HR-37-C-9735 for verification and accordingly, learned counsel for the respondent no.1 was directed to supply the abovesaid documents; however, no route permit has been placed on record and it is clear from the perusal of certificate of registration that, the vehicle in question is 'heavy goods vehicle'. As per the driving licence of Parvinder Singh son of Shamsher Singh, alleged to be issued by the District Transport Officer, Tuensang, Nagaland, he is authorized to drive 'heavy transport vehicle' and the same is



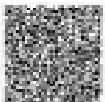
valid upto 15.12.2016; whereas Parvinder Singh, the respondent no.1 is a resident of village Garnala, Post Office Dhankaur, Tehsil and District Ambala. Learned counsel for respondent no.2 has placed on record the information obtained under the Right to Information Act, 2005, from the office of District Transport Officer, Tuensang, Nagaland as Ex.R4 to show that, there is no record in the said office regarding the driving licence no.42837/TV/T/2010 in the name of Parminder Singh; therefore, the same cannot be said to be a genuine driving licence. He has also placed on record 'public information' bearing no.TC-23/MV/2007(PT-I) dated Kohima, the 1st August, 2014 issued by the Government of Nagaland, Motor Vehicles Department, Office of the Transport Commissioner, Kohima-797001, Nagaland, to show that any licence purported to have been issued by any authority in Nagaland on booklet form after 30th October 2009 is not genuine, as thereafter, the driving licences have been issued on Smart Card and the alleged driving licence of respondent no.1 is of the year 2010. Besides this, the learned counsel for respondent no.1 has also failed to convince this Tribunal that, when the respondent no.1 is a resident of District Ambala(Haryana), then how he came into possession of said driving licence, as nothing has come on record either with regard to his employment or residence at Nagaland at any point of time. Learned counsel for the respondent no.2 in support of his arguments has also referred to FAO-1623-2014(O&M), titled as "Suresh Kumar versus Cholamandalam MS General Insurance Co.



*Ltd. and others" decided on 21.03.2014 by Hon'ble Punjab & Haryana High Court, Chandigarh. Hence, the driving licence of Parvinder Singh, the respondent no.1, placed on record is held to be fake. Under these circumstances, the HDFC ERGO General Insurance Company Limited, the respondent no.2 stands absolved from its liability to pay compensation; however, in terms of law laid down in **New India Assurance Co. Ltd. versus Kamla and others 2001 ACJ 843(SC)**, insurance company, the respondent no.2 is liable to pay the petitioner the amount of compensation as awarded and can then recover the same from driver-cum-owner, the respondent no.1. Hence this issue is disposed of accordingly."*

12. A perusal of the impugned award reveals that the learned Tribunal has correctly adjudicated the issue of liability and has rightly held the appellant–driver-cum-owner of the offending vehicle liable to pay compensation on the ground that the driving licence held by him was not genuine.

13. The impugned award further discloses that the respondent–insurance company duly discharged its burden by placing on record Ex. R4, i.e. the information obtained under the Right to Information Act, 2005, from the office of the District Transport Officer, Tuensang, Nagaland. The said information unequivocally establishes that there is no record of driving licence No. 42837/TV/T/2010 in the name of Parminder Singh in the official records of the authority. This documentary evidence clearly proves that the licence relied upon by the appellant was not issued by the competent licensing authority.



14. Further, reliance was rightly placed on public information bearing No. TC-23/MV/2007 (PT-I) dated 1st August, 2014, issued by the Transport Commissioner, Government of Nagaland, which clarifies that driving licences in booklet form issued after 30th October, 2009 are invalid, as licences thereafter were issued only in smart card format. Admittedly, the alleged licence of the appellant is stated to be of the year 2010 and is not a smart card, which further substantiates the finding that the licence is fake. In view of the aforesaid evidence, the learned Tribunal has rightly held that the appellant was in breach of the terms and conditions of the insurance policy. The direction granting recovery rights to the respondent–insurance company is in consonance with the settled law.

15. No perversity, illegality, or infirmity is discernible in the impugned award. The findings are based on proper appreciation of evidence and correct application of law. Consequently, the present appeal is dismissed as devoid of merit.

16. The statutory amount of Rs.25,000/- deposited by the appellant at the time of admission of the appeal, is ordered to be refunded to them.

17. Pending miscellaneous applications, if any, are also disposed of.

12.01.2026

Ayub

(SUDEEPTI SHARMA)
JUDGE

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