IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) FAO-902-2012 (O&M)

New India Assurance Company Ltd.

...Appellant

VERSUS

Raj Rani and others

...Respondents

(ii) XOBJC-94-CII-2025 (O&M)

New India Assurance Company Ltd.

...Appellant

VERSUS

Raj Rani and others

...Respondents

Date of Decision: February 20, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Imran Ahmad Ali, Advocate
for the appellant.

Mr.Sukhdeep Singh, Advocate
for respondents No.1 to 4/cross-objectors.

Mr.Vivek Goyal, Advocate
for respondents No.5 and 6.

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<u>ARCHANA PURI, J.</u>

During the pendency of the appeal, cross-objections have been filed, at the instance of the claimants. Along with the same, an application i.e. CM-19932-CII-2025 has been filed for condonation of delay of 2781 days, in filing the cross-objections.

Heard.

The insurance company had assailed the Award, not only on the ground of factum and manner of taking place of the accident, but also assailed the impugned Award, on the quantum of compensation awarded to the claimants. The cross-objections have been filed, thereby, questioning the adequacy of the compensation awarded to the claimants.

Since, the aspect of extent of compensation awarded is bound to be subject matter of consideration in the appeal, therefore, considering the same, providing a fair opportunity to the claimants and in view of the averments made in the application, the aforesaid application i.e. CM-19932-CII-2025, as such, is hereby allowed and delay of 2781 days in filing the cross-objections is condoned and the cross-objections are taken on record.

The New India Assurance Company has filed the appeal to assail the Award dated 17.10.2011 passed by learned Tribunal, whereby, compensation was awarded, on account of death of Pawan Kumar, in a motor vehicular accident.

For the convenience of discussion, the parties are referred to as making appearance before learned Tribunal.

The facts germane, to be noticed, are as follows:-

That on 29.12.2009, Pawan Kumar along with Mohan Lal, Vijay Kumar and Ram Sarup started their journey in car bearing registration No.HR-06M-4422 and were proceeding to Karnal. When they reached in front of Tilda Rice Mills, near Samana Bahu, G.T. Road Karnal, in the meantime, a tanker bearing registration No.PB-10AJ-9492, driven by respondent No.1-Jasbir Singh was going ahead of the car, who applied the brakes of his tanker and as a result of the negligent act of respondent No.1, the car of Pawan Kumar, struck the backside of the tanker, as a result whereof, Pawan Kumar died instantaneously.

It is the pleaded case of the claimants that the accident had taken place, due to rash and negligent driving of the tanker in question by its driver-respondent No.1. Relating to this accident, FIR No.412 dated 29.12.2009 under Sections 279and 304-A IPC was got registered.

Furthermore, it was also pleaded that the deceased was 38 years old, at the time of accident. He was an agriculturist and also a sub-contractor with M/s Krishna Telecom and Engineers and used to earn Rs.1,08,600/- per annum. It was further pleaded that the claimants were fully dependent on income of the deceased.

The driver and owner of the tanker i.e. respondents No.1 and 2 had filed joint written statement, wherein, they did not dispute about the taking place of the accident, but however, denied about rashness and negligence, at the instance of driver of the tanker. In fact, their pleaded case is that the accident had taken place, due to rash and negligent of car bearing registration No.HR-06M-4422, driven by deceased Pawan Kumar himself.

The insurance company in its reply, had denied the accident in toto. All other averments, with regard to age of the deceased and his vocation, as such, were also denied. Further, a plea was taken about respondent No.1 to be not holding valid and effective driving licence and there being breach of terms and conditions of the insurance policy and there to be collusion between the claimants and respondents No.1 & 2.

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

> *(1) Whether the accident took place due to sole rash and negligent driving of respondent No.1 as alleged? OPP*
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> *(2) Whether the claim petition is not legally maintainable in its present form? OPR*
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> *(3) Whether the claimants have got no locus standi and cause of action to file the petition? OPR*
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> *(4) Whether the claim petition is bad for misjoinder and nonjoinder of necessary parties? OPR*
>
> *(5) Whether the claimants have not come to the court with clean hands and have suppressed the true and material facts from this court? OPR*
>
> *(6) Whether the claimants have filed the claim petition in collusion with respondents No.1 and 2, if so its effect? OPR3*
>
> *(7) Whether driving licence of respondent No.1 was not valid and effective at the time of accident? If so its, effect? OPR3*
>
> *(8) Whether the vehicle in question was being driven in violation of the terms and conditions of the insurance policy as alleged? If so its effect? OPR-3*
>
> *(9) Whether the claimants are entitled to compensation. If so, how much and from whom? OPP*
>
> *(10) Relief."*

The evidence was adduced by the parties. On appraisal of the evidence, brought on record, learned Tribunal had held that the accident had taken place, due to rash and negligent driving of tanker bearing registration No.PB-10AJ-9492 by respondent No.1. Even, it was held that Jasbir Singh was holding valid and effective driving licence, at the time of accident. Furthermore, while considering the earnings of deceased as Rs.5000/- per month, the compensation was worked upon, which is now reproduced in tabular form:-

Income	Rs.5000/- per month
Deduction of 1/3rd	Rs.5,000-1666=Rs.3334/- annual whereof is Rs.40,008/-
Multiplier of '15'	Rs.40,008x15=Rs.6,00,120/-
Transportation and last rites	Rs.5,000/-
Loss of consortium	Rs.10,000/-
Total	**Rs.6,15,120/-**

The apportionment was also made, as reflected in paragraph No.34 of the impugned Award.

Being aggrieved, the insurance company has filed the present appeal. Also, the cross-objections were filed, at the instance of the claimants.

Counsel for the parties heard.

At the very outset, learned counsel for the insurance company had submitted that the manner of accident, as pleaded by the claimants, does not stand established. Rather, considering the factual position, as coming forth, even in the claim petition, do amply establish about the accident, if taken place, to be result of negligence, on the part of deceased Pawan Kumar, who had rammed his car into backside of the alleged tanker. Throughout the arguments, much emphasis has been laid upon the manner of taking place of the accident, as such pleaded. Rather, it is submitted that the accident, if at all, had evidently taken place, the same was solely on account of deceased having not maintained safe distance, while driving the car and therefore, he was not having full control over the car in question and therefore, the same led into striking of the car from behind, with such force, which caused fatal injuries to Pawan Kumar.

In fact, it is submitted that PW-2 Mohan Lal has been falsely alleged to be an eye witness to the accident in question. Further also, it is submitted that respondent No.1-Jasbir Singh had given the clear picture of taking place of the accident and the same do amply establish about negligence, on the part of deceased Pawan Kumar. In the minimum, it is submitted that it is a case of contributory negligence and the entire blameworthiness, cannot be fastened upon respondent No.1

Besides the aforesaid, also it is submitted by counsel for the insurance company that earnings of deceased have been taken on higher side, which calls for reduction.

However, counsel for the claimants-cross-objectors, has refuted the claim of the insurance company. In fact, he has supported the version of manner of the accident as held by learned Tribunal. Furthermore, he questioned the adequacy of the compensation awarded by the Tribunal. In fact, it is submitted that the jamabandis proved in evidence as well as the income tax record, which has been proved through PW-3, as such, has not been appropriately appraised. There is no reason to discard the income tax record, which establish the extent of earnings of the deceased.

Very true, Mohan Lal, is an eye witness to the accident in question. He stepped into witness box as PW-2. In his affidavit Ex.PB, he categorically deposed about having witnessed the accident. He has deposed about the manner of taking place of the accident, in consonance with the pleaded case. Categorically it is coming forth in his testimony about the brakes having suddenly applied by the driver of the offending tanker, which caused the accident.

Jasbir Singh, driver of the tanker in question, has been examined as RW-3. He has admitted about being employed as driver, on the tanker bearing registration No. PB-10AJ-9492 and also further categorically deposed that he was employed as driver, on the offending tanker, even on 29.12.2009 i.e. on the date of accident and he was proceeding to Ludhiana from Panipat and he was driving on the correct side of the road, at a slow speed. He also stated, when he crossed Pipli, near Samana Bahu, he heard loud voice of some vehicle striking at the back of his vehicle. As he got down from his vehicle, he saw that a car had hit at the back of his vehicle.

However, learned Tribunal had appropriately made reference to his cross-examination, where, he has admitted about facing trial, in a criminal case, qua the accident in question. RW-1 Suresh Kumar, Criminal Ahlmad, has also deposed about the criminal case to be pending in the Court. Charge was framed and it was at the stage of recording of prosecution evidence. FIR is Ex.P5 and copy of the challan has also been proved as Ex.P3.

However, it is significant to note that RW-3 Jasbir Singh, while facing cross-examination has admitted a suggestion to be correct that he had applied the brakes of his vehicle, all of a sudden, resulting into the accident. Further, he also admitted that it is correct that he has not approached any higher authority, regarding his false implication in the criminal case.

In this regard, also Aman Goyal, owner of the offending tanker, while stepping into box as RW-2, had also stated about himself to be registered owner and Jasbir Singh to be the driver of his tanker on 29.12.2009.

In view of the evidence aforesaid, one thing becomes very certain that respondent No.1-Jasbir Singh, who was driver of the tanker, at the relevant time, admitted about application of brakes, all of a sudden. Very true, as pointed out, that there was striking of the car of the deceased, on the backside of the offending vehicle. In this regard, it is assiduously submitted by counsel for the insurance company that the deceased being driver of the victim car, ought to have maintained safe distance and since, he had not maintained safe distance, so he is responsible for the accident.

The relevant Regulation 23 of the Road Regulations of 1989, reads as herein given:-

> *"23. Distance from Vehicles in front. - The driver of a motor vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle to avoid collision if the vehicle in front should suddenly slow down or stop."*

In the light of the aforesaid regulation, much emphasis has been laid upon the distance, not to have been appropriately maintained.

No doubt, Regulation No.23 prescribes that the vehicle following, should maintain the safe distance, but however, the same is only a road advice, to be observed by the drivers, when driving on the roads; but the same can hardly be made a criteria, for assessing the compensation or determining the locus of liability, as such. The measure of **'safe distance'** has so many factors/ingredients, which ought to be taken into consideration and they ought to be proved for showing lack of safe distance. This term 'safe distance' cannot be used *ipso facto*, without the same being defined, anywhere in law. **'Safe distance'** is a relative concept, which depends upon the differential speed of the vehicles, their brake systems, technical efficacy, the respective mass/weights of the vehicle concerned, the friction quotient provided by the road surface as well as the aptitude of the driver towards speed, besides the natural reflex response time of an individual human being and the quick action, taken by each driver, as per the requirement of situation. It is, considering all the aforesaid factors, the assessment of '**safe distance'** as such, can be reckoned. Given the same, being a relative term, many a times, distance of even one feet, can be concluded to be 'safe distance', whereas, there may be occasions, where the appropriate distance between two vehicles, where the visibility is very less, then also, it cannot be said to be a '**safe distance**'. Considering the same, without any evidence, brought on record, about all the aforesaid factors, it cannot be concluded that there was no 'safe distance', as a ground to avoid legal liability.

Adverting to the case in hand, it is pertinent to mention that even though, respondent No.1-Jasbir Singh, who was driving the offending car, at the relevant time, in his reply, has admitted about the accident, and he has imputed negligence, on the part of the deceased, but however, he had not substantiated the manner of taking place of the accident. Rather, while in the witness box, in his examination-in-chief, though, he stated about the driving the tanker at a slow speed, due to fog and had stated a car having hit at the back of his vehicle, but he categorically stated in chief only, that he cannot tell, as to who was at fault, in causing the accident but the car hit the rear portion of his vehicle, which was in motion.

While facing cross-examination, as stated aforesaid, he had also admitted a suggestion to be correct about applying of brakes of his vehicle, all of a sudden, resulting in the accident and he also admitted about facing of the trial, in a criminal case, qua the accident in question and further also admitted a suggestion to be correct about having not approached any authority, regarding his false implication, in the criminal case.

Such being the state of affairs, when the most important person i.e. respondent No.1-Jasbir Singh, who could rebut the manner of taking place of the accident, as pleaded by the claimants, is admitting that he does not know, who was at fault in causing the accident, the version put forth by eye witness PW-2 Mohan Lal, coupled with the fact of the criminal case, having got registered against respondent No.1-Jasbir Singh and about him to be facing the trial and his having not approached the authorities, to assert false implication, as such, do not make out any case to conclude about the contributory negligence, to be there, on the part of the deceased.

At the same time, reference is required to be made to Regulation No.24 of the Regulations of 1989, which prescribes that the vehicle going ahead shall not apply sudden brakes, except for a sufficient reason. This regulation reads, as herein given:-

> *"24. Abrupt brake – No driver of a vehicle shall apply brake abruptly unless it is necessary to do so for safety reasons."*

In view of the aforesaid, it is pertinent to mention that even though, respondent No.1-Jasbir Singh, while facing cross-examination had admitted a suggestion to be correct about application of brakes of his vehicle, all of a sudden, resulting into the accident, but he did not have the cheeks to state about the cause of application of the brakes, all of a sudden.. He had never stated so in the examination-in-chief. Rather, he stated that he does not know, who was at fault, in causing the accident.

Further, it should also be noticed that it is not uncommon to see the vehicles on the road, being driven neck-to-neck. If it be so, the applying of the brakes, all of a sudden, as asserted in the present case, the vehicle following may, on account of human error or lack of quick response, bound to strike the vehicle from behind. Solely, on account of the occupant of car, having struck against the tanker and having sustained multiple injuries, which proved fatal, *ipso facto*, it cannot be concluded that he was negligent and not maintaining 'safe distance', more particularly, when Mohan Lal, who was accompanying the deceased, on the front seat of the car in question, has deposed about the manner of the accident taking place and imputed rashness and negligence, on the part of driver of the tanker in question.

In the light of the aforesaid, taking into consideration the evidence in entirety, learned Tribunal had appropriately held about the accident to have taken place, on account of negligence, on the part of respondent No.1-Jasbir Singh, driver of the tanker in question. Thus, the findings recorded by learned Tribunal, on issue No.1 are hereby affirmed.

Now, adverting to the extent of compensation to be awarded to the claimants. Even though, it was pleaded case of the claimants that deceased was 38 years old, but no satisfactory evidence, relating to age of the deceased has come on record. Considering the recitals of the post-mortem report, learned Tribunal, as such, appropriately considered the age of the deceased to be 38 years. Deceased Pawan Kumar was stated to be following vocation of agricultural pursuit and also was a sub-contractor with M/s Krishna Telecom and Engineers and it was pleaded that he was earning Rs.1,08,600/- per annum.

Raj Rani widow of Pawan Kumar, in her affidavit, deposed about indulgence of deceased in agricultural pursuit and further stated about deceased to be earning, on account of coaching and by working as sub-contractor with his brother, who was engaged in the work of installation of the telephone towers. The jamabandis of the land for the year 2006-2007 has been proved as Ex.P7. Very appropriately, it has been considered by learned Tribunal that Pawan Kumar is shown as co-sharer in the agricultural land, but however, no other document, has come on record, about the income derived from the said land. Even, no satisfactory evidence, relating to the deceased being sub-contractor with M/s Krishna Telecom and Engineers was on record and therefore, this version has also been appropriately discarded by learned Tribunal. Much emphasis has been laid upon income tax record Ex.P2. However, close perusal of the same reveals that this return pertains to individuals and HUFs, having income from proprietary business or profession. This return is in the name of Pawan Coaching Centre. However, relating to the same, even though, Raj Rani had stated about Pawan Kumar to be running coaching centre, but however, it was nowhere pleaded about Pawan Kumar to be running a coaching centre and therefore, this version, as such, has also been appropriately discarded by the Tribunal.

So far as, income from the agricultural pursuit (if any), the same, as such, is not reflected in the income tax return, which is so relied upon. But anyhow, considering the fact of deceased to be having share in the agricultural land and also that, he is required to do work, in one form or the other, for earning livelihood, learned Tribunal, taking the entire stock of situation, had appropriately considered the earnings of deceased as Rs.5000/- per month.

Though, now during the course of arguments, learned counsel for the cross-objectors has assiduously submitted about earnings to have been taken on lower side, but however, this submission is bereft of merits, more particularly, when no categoric evidence, is coming on record, with regard to deceased, indulging into coaching work as well as in sub-contractorship and also the amount of earnings, coming to his share from the agricultural land.

Proceeding further, it be noted that the claim petition was filed by widow, children and mother of the deceased. It was held by learned Tribunal that mother was not dependent upon the income of the deceased, during his lifetime. But however, the finding so recorded, is palpably erroneous. Though, the mother may not be in financial manner, dependent upon her young son, but definitely, there is bound to be emotional and psychological dependency upon her young son and therefore, considering the same, mother, as such, is also entitled to compensation, though the extent of compensation, can be worked upon, in the fitness of the circumstances, spelt forth.

Considering the same, the deduction, on the count of 'personal expenses' of the deceased, ought to be 1/4th, instead of 1/3rd, as done by learned Tribunal.

Now proceeding further, considering the age of the deceased to be 38 years, addition on the count of 'future prospects', ought to be made to the extent of 40%. The appropriate multiplier to be applied is '15', as applied by learned Tribunal.

Further, the compensation on the count of 'loss of consortium' has been awarded to claimant No.1-wife of the deceased only, but however, as per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, all the dependents are entitled to compensation, on the count of 'loss of consortium, be it 'filial', 'spousal' or 'parental', which also comprehends 'loss of love and affection'. Thus, the children of the deceased together with widow and mother, are entitled to compensation, on the count of 'loss of consortium'. As per ***Pranay Sethi's case (supra)***, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each dependent is now Rs.48,400/-. Thus, respondents No.1 to 4-claimants are entitled to compensation, on the count of 'loss of consortium' to the extent of Rs.48,400/- each i.e. Rs.48,400x4=**Rs.1,93,600/-**. On the same parameters, as per prevalent settled law, on the counts of 'loss of estate' and 'funeral expenses', the amount now payable is **Rs.18,150/-** on each count.

Considering the same, the compensation payable to respondents No.1 to 4-claimants, on account of death of Pawan Kumar is re-computed, as herein given:-

Income	Rs.5000/- per month
Deduction of 1/4th	Rs.5000-1250=Rs.3750/-
Addition of future prospects @ 40%	Rs.3750+1500=Rs.5250/- annual where of is Rs.63,000/-
Multiplier of '15'	**Rs.63000x15=Rs.9,45,000/-**
Loss of consortium	**Rs.1,93,600/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.11,74,900/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.11,74,900-6,15,120=Rs.5,59,780/-**. On the enhanced amount of the compensation i.e. **Rs.5,59,780/-**, respondents No.1 to 4-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the cross-objections, till realization of the enhanced amount of compensation. Out of the compensation, as now worked upon aforesaid, respondent-claimant No.1 is held entitled to **Rs.3,00,000/-**, whereas, respondents-claimants No.2 and 3 are held entitled to **Rs.1,00,000/-** each and respondent-claimant No.4 is held entitled to **Rs.59,780/-**.

In the light of the aforesaid 'work on' of the compensation, learned counsel for the appellant-insurance company has assiduously submitted that the liability to pay the compensation, as such, cannot be fastened upon the insurance company, as respondent No.1 was not holding valid and effective driving licence, at the relevant time. In this regard, counsel submits that the driving licence, so relied upon, is Ex.R1, which is a renewed driving licence and the old driving licence, as such, was not in the name of respondent No.1 and it was in the name of his father, on which account, counsel for the insurance company submits that the same, as such, cannot be taken into consideration.

To so substantiate his claim, learned counsel for the appellant-insurance company has made reference to the testimony of RW-4 Nirvair Singh, Investigator of New India Assurance Company as well as testimony of RW-5 Balbir Singh.

In view of the submissions aforesaid, it is pertinent to mention that driving licence of respondent No.1-Jasbir Singh is Ex.R1. RW-1 Suresh Kumar, Addl. Ahlmad, who had brought the record of the criminal case, proved the said driving licence as Ex.R1 and stated that old DL number has been mentioned as 50936/R05 and the number of this licence, has been given as 0031924/REN dated 24.07.2008 issued by Licencing Authority, Ludhiana and is valid upto 23.07.2011.

Now, it is important to make reference to the testimony of Jasbir

Singh-respondent No.1, who had stated that he was having a driving licence. Nirvair Singh, Investigator had proved the reports, allegedly obtained by him from Clerk, Licencing Authority. Throughout, much emphasis has been laid upon the said reports, which are coming on record, but however, the said witness had proved the verification report. He stated that the renewal of Driving Licence No.0031924/REN/2008/Original Driving Licence No.053321/2004, is in the name of Jasbir Singh son of Darshan Singh. He further also deposed that the Driving Licence No.0031924/REN/2008 was issued, on the basis of Driving Licence No.053321/2004. Driving Licence No.053321/2004 was issued in the name of Darshan Singh, son of Sardara Singh. Furthermore, another DL No.50936/R/2005, being renewal of old Driving Licence Number 053321/2004 was used for issuing Driving licence No.50936/R/2005, in the name of Jasbir Singh son of Darshan Singh.

Further also he stated that DL No.50936/R/2005, was recorded as previous driving licence and also deposed that Driving Licence No.0031924/REN/2008 was issued in the name of Jasbir Singh son of Darshan Singh on 24.07.2008. This witness had also proved the reports of Licencing Authority, which are Ex.R9 and Ex.R10.

Not only this, the insurance company had further examined Balbir Singh, Clerk, Office of District Transport Officer, Ludhiana as RW-5, who had deposed, on the basis of the register brought by him, about the driving licence of Jasbir Singh, copy where of is Ex.R1. Entry regarding renewal of this licence was mentioned in the register at serial No.0031924/REN dated 24.07.2008. It related to Jasbir Singh son of Darshan Singh and was valid upto 23.07.2011 and further also stated that in this very entry, the number of driving licence of Jasbir Singh was mentioned as 50936/R05.

He had also brought the register, regarding the entry of old driving licence of Jasbir Singh i.e. No.052321/END dated 06.07.2004, wherein, he deposed that entry endorsement was of HTV made, in the driving licence of Jasbir Singh. The old number of this driving licence was 274624/02. This witness, as directed, had brought the record of driving licence No.274624/02 and on the subsequent date, had proved that the entry was made, in the register relating to renewal of this driving licence at serial No.274624 and it was issued in the name of Jasbir Singh son of Darshan Singh and was issued on 17.05.2002 and was valid upto 16.05.2005. He also deposed that it was issued on the basis of the Learner Licence.

So far as, Ex.R9 and Ex.R10 are concerned, no sustenance, as such, can be drawn from the aforesaid documents. Even though, it is submitted that these are copies of the reports received from the Licencing Authority, but however, it does not contain the name of the person, who attested the same, nor the date of preparation of the same, as such, has been given, under the stamp and thus, upon the same, reliance cannot be placed, more particularly, considering the record proved through Balbir Singh, Clerk of DTO.

Not only this, learned counsel for the insurance company has also placed reliance upon Ex.R11, which is a rough note. Even though, Nirvair Singh, Investigator, while facing cross-examination had admitted that as per Ex.R10, the driving licence No.0031924/REN/08 dated 24.07.2008, pertaining to Jasbir Singh, son of Darshan Singh is genuine. He also admitted a suggestion to be correct that Ex. R8 and Ex.R11 were prepared by me. He further stated that Ex.R11 is a rough work done by Licensing

Authority, Ludhiana. In Licence No.052321, there is cutting and he also admitted that he supplied the number of Driving Licence as ‘053321', whereas the Licensing Authority reported that it is not ‘053321’, but it is ‘052321’. He also stated that Ex.R11 is not a report given by him.

However, the question arises, if it was not his report, then why did he mention so, in his examination-in-chief, about his report to be Ex.R11 and even if it was rough note, in what manner, he laid his hands upon the same. Above it, he had himself admitted about number of the driving licence to have been wrongly furnished by him as ‘053321’, which was corrected by the Licencing Authority to be ‘052321’.

Though, much emphasis has been laid upon the recitals of the driving licence, coming forth in the testimony of RW-5 Balbir Singh and on the basis whereof, it is submitted that this pertains to the date, after the issuance of the driving licence, at first instance. However, this as such, cannot be considered, as no record, relating to the learners licence, has been summoned by the insurance company. In fact, relating to the entry of the driving licence No.052231/END dated 06.07.2004, has been clarified by the Investigator himself and also stands substantiated from the testimony of RW-5 Balbir Singh.

In the light of the same, the findings recorded by learned Tribunal, about respondent-Jasbir Singh, to be having valid and effective driving licence, at the time of accident, stands affirmed. Precisely, on this account, the insurance company, is also jointly and severally, liable to pay compensation, together with the driver and owner of the offending vehicle.

The impugned Award dated 17.10.2011 stands modified, to the extent, as indicated aforesaid.

With the above observations, FAO-902-2012 stands dismissed, whereas, XOBJC-94-CII-2025 stands allowed.

February 20, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**