

(2006) 01 P&H CK 0005
In the Punjab And Haryana At Chandigarh

Gharaunda Gas Service

APPELLANT

Vs

Veena Rani and Others

RESPONDENT

Date of Decision : 11-01-2006

Acts Referred:

Citation : (2006) 3 ACC 854

Hon'ble Judges : Jasbir Singh, J

Bench : Single Bench

Judgement

Jasbir Singh, J.—On the last date of hearing, Mr. Manchanda has brought it to the notice of the Court that driver employed by the appellant was having a valid driving licence on the date of accident. He handed over a photocopy of the driving licence to Mr. Gupta, who took time to verify authenticity of the said document. Today Mr. Gupta has placed on record a report made by Licensing Authority wherein it has been stated that the licence issued to Surinder Singh, respondent No. 9, was valid w.e.f. 15.11.1999 to 14.11.2000 for heavy goods vehicles. Report furnished by Mr. Gupta has been taken on record as "Ex. A-1".

2. It is apparent from the records that in the present case the liability for motor accident was fastened upon the appellant because the appellant had failed to bring on record and prove the driving licence issued to Surinder Singh, respondent No. 9, who was working as driver on the offending vehicle, at the time when accident had taken place. Once, it has been accepted by Mr. Gupta that driver was having a valid driving licence, at the relevant time, this Court feels that liability to pay compensation, as ordered by the Motor Accident Claims Tribunal, vide order dated 3.10.2002, could not have been fastened upon the appellant. In view of changed situation, this Court feels that liability to pay compensation is that of the Insurance Company-respondent No. 11 in this case. Mr. Gupta has failed to show anything to the contrary. Accordingly, this appeal is allowed and order of the Motor Accident Claims Tribunal dated 30.10.2002 is modified to the extent that Insurance Company respondent No. 11 shall be responsible to pay compensation amount to the claimants.

3. Mr. Gupta states that Insurance Company had already paid the entire amount of compensation falling to its share. In view of this, appellant is entitled to refund of Rs. 25,000 deposited by it with the Registry of this Court. Accordingly, it is ordered that if the amount so deposited has not been disbursed to the claimants, it be released in favour of the appellant forthwith.