(2014) 05 P&H CK 0105

In the Punjab And Haryana At Chandigarh

Case No : FAO Nos. 4610, 4611, 4612 and 4613 of 2012 (O&M)

ICICI Lombard General Insurance Co. Ltd. APPELLANT

Vs

Shashi Bala and Others RESPONDENT

Date of Decision : 29-05-2014

Acts Referred:

Citation : (2014) 176 PLR 432

Hon'ble Judges : Jitendra Chauhan, J

Bench : Single Bench

Advocate : R.S. Dhull, Advocates for the Appellant

Judgement

Jitendra Chauhan, J.—Four appeals, as noticed above, are being disposed of by this single judgment having arisen out of the common impugned award dated 19.05.2012, passed by the learned Motor Accident Claims Tribunal, Faridabad, (for short, ''the Tribunal''). The learned counsel for the appellant-Insurance Company contends that the learned Tribunal erred in ignoring the fact that respondent No. 2-Sahabudin, driver of the offending vehicle, was not holding a valid and effective driving licence at the time of the accident.

2. On the other hand, the learned counsel for the respondents-owner and driver, refers to the statement of Krishan Singh, Clerk, office of RTA, Nuh (RW-1) who has specifically deposed that the licence was issued for the period 22.06.2009 regarding which driving licence verification report, Ex. R-1 was issued, and the respondent No. 2 -driver of the offending vehicle was holding a valid and effective driving licence at the time of the accident.

3. I have heard learned counsel for the parties and perused the record.

4. In the instant case, the accident took place on 17.06.2009. The driving licence bearing No. 1473/C-2/09, Ex. R-2 held by the respondent-driver was valid from 07.02.2003 to 20.04.008 with further renewal upto 17.06.2009. It is relevant to notice that the driving licence, Ex. R-2 was obtained by the respondent-driver on the basis of original driving licence bearing No. 98/DTO/FBD/2000. However, as

per the report of the licensing Authority, Faridabad, the licence bearing No. 98/2000 was not in the name of the respondent No. 1-Driver and his name had/ been struck of from the register. Meaning thereby, the original driving licence was fake a document and subsequent renewal if any would not rendered a fake document into a genuine one. Therefore, this Court no hesitation to hold that the respondent-driver was not holding a valid driving licence at the time of the accident. In the circumstances, the present appeals are allowed and the impugned award is modified to the extent that the appellant-Insurance Company shall have the recovery rights over the owner and driver on the principle of ''pay and recover''.