
(2012) 03 DEL CK 0330
In the Delhi High Court
Case No : MAC. APP. 852 of 2011

New India Assurance Co. Ltd.

APPELLANT

Vs

Jaimal Singh and Others

RESPONDENT

Date of Decision : 07-03-2012

Acts Referred:

Citation : (2012) 03 DEL CK 0330

Hon'ble Judges : G.P. Mittal, J

Bench : Single Bench

Advocate : Abhishek Kumar, for the Appellant; J.N. Singh, Advocate for R-1 and Mr. Navneet Goyal, Advocate for R-3 to R-8 in MAC. APP. 852/2011 and for R-3 to R-5 in MAC. APP. 853/2011, for the Respondent

Judgement

G.P. Mittal, J.—These are two Appeals arise out of a common judgment dated 02.06.2011 passed by the Motor Accident Claims Tribunal whereby a compensation of Rs. 14,17,768/- and Rs. 14,17,768/- was awarded for the death of Aleem Ahmed and Wakil Ahmed who died in a motor accident which occurred on 24.06.2010. The only ground of challenge is that Jitender Sahni the Respondent No.2 had produced before the IO a driving licence, which on verification was found to be fake. It is admitted case of the parties that the a second driving licence Ex.RW1/1 was produced before the Motor Accident Claims Tribunal on 11.11.2010. The Respondent No.1 entered the witness box as RW-2 and testified that before employing the Respondent No. 2 (Jitender Sahni) as a driver he saw the driving licence Ex.RW1/1 and was satisfied that the driving licence was genuine. A suggestion was put to the witness that he has supplied copy of driving licence (mark R3/B) of the driver to the IO during investigation of the case which was denied by him. The Insurance Company preferred not to examine the IO to prove this fact.

2. As stated earlier, the Insurance Company did not prefer to verify the genuineness of licence Ex.RW1/1 in spite of the fact that it was produced before the Claims Tribunal on 11.11.2010, which was much before examination-in-chief

and cross-examination of the driver and the owner of the vehicle.

3. It is well settled that even if a driving licence is fake and the owner believes the driving licence to be genuine and takes reasonable precaution to ensure that there is no conscious breach of the condition of policy, the Insurer cannot avoid the liability to pay the compensation.

4. Here is a case where the owner says that he has seen the driving licence Ex.RW1/1. The Insurance Company preferred not to verify its genuineness and comes to file an appeal against a well reasoned order passed by the Claims Tribunal.

5. In the circumstance, it is evident that the Appeals are frivolous and need to be dismissed with costs. The same are, accordingly, dismissed with costs of Rs. 20,000/- each. A sum of Rs. 10,000/- each shall be deposited with the Delhi High Court Legal Services Committee within six weeks and Rs. 5000/- shall be paid to Respondents No.1 and 2 in each Appeal and Rs. 5,000/- to Respondents No. 3 to 8 in MAC APP.852/2011 and to Respondents No.3 to 5 in MAC APP. 853/2011. Stay granted by the order dated 24.02.2012 directing the Respondent No.1 not to dispose of the offending vehicle bearing No.HR-46A-0733 stands vacated. Dasti.