
(2005) 05 P&H CK 0059
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 5208 of 2002

New India Assurance Company Limited	APPELLANT
Vs	
Jagdish Singh and Others	RESPONDENT

Date of Decision : 07-05-2005

Acts Referred:

Citation : (2005) 140 PLR 737 : (2005) 3 RCR(Civil) 710 : (2005) 3 RCR(Civil) 649

Hon'ble Judges : M.M. Kumar, J

Bench : Single Bench

Advocate : N.K. Khosla, for the Appellant;

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The instant petition is directed against award dated 8.8.2002 passed by the Motor Accident Claims Tribunal, Patiala (for brevity, "the Tribunal"). The Tribunal has awarded a paltry sum of Rs. 9,000/- in favour of the claimant-respondent and the liability is joint and several to be borne by the driver and owner-respondents 2 and 3 respectively.

2. Mr, N.K. Khosla, learned counsel for the petitioner has argued that there are categorical findings recorded by the Tribunal in paragraph 22 showing that the original driving license of driver-respondent No. 2 was fake which was validly renewed by the Licensing Authority, Patiala. The driver was holding the renewed driving license at the time of accident. According to the learned counsel, this finding is sufficient to bail out the petitioner-Insurance Company from bearing any liability and on that account the award is liable to be set aside against the petitioner.

3. I have thoughtfully considered the submissions made by learned counsel for the petitioner but regret my inability to accept the same. It is true that driver-respondent No. 2 was holding a fake driving license which was validly renewed by the Licensing Authority, Patiala. At the time of accident the validly renewed

license was held by the driver-respondent No. 2. However, it is also true that owner of the offending vehicle at the time of employing the driver-respondent No. 2 has verified his driving license which was validly renewed by the Licensing Authority. There is no negligence on the part of the owner which was required to be proved by the petitioner. In the case of National Insurance Co. Ltd. v. Swaran Singh and Ors. (2004) 137 P.L.R. 510 it has been held that an Insurance Company can avoid its liability by establishing that the owner had acted negligently at the time of employing a driver inasmuch as he was not holding a valid driving license. In paragraph 108(vii) which is relevant to this case the following principle has been laid down:-

"(vi) The question as to whether the owner has taken reasonable care to find out as to whether the driving license produced by the driver,(a fake one or otherwise), does (not) fulfil the requirements of law or not, will have to be determined in each case."

4. When the facts of the present case are examined in the light of the principles laid down by the Supreme Court in Swaran Singh's case (supra), it becomes evident that specific findings have been recorded in paragraph 22 by the Tribunal that owner of the offending vehicle while employing the driver had verified his driving license which was validly renewed by the Licensing Authority. Even otherwise, a meager amount of Rs. 9,000/- has been awarded which would not warrant interference of this Court.

For the reasons stated above, this petition fails and the same is dismissed.