
(2001) 08 P&H CK 0129

In the Punjab And Haryana At Chandigarh

Case No : First Appeal From Order No. 1868 of 2001 (O&M)

United India Insurance Company Ltd.

APPELLANT

Vs

Jatinder Kumari

RESPONDENT

Date of Decision : 03-08-2001

Acts Referred:

Citation : (2001) 3 LJR 752 : (2001) 4 RCR(Civil) 848

Hon'ble Judges : S.S.Sudhalkar, J and A.K.Goel, J

Advocate : Mr. Gopal Mittal, Advocate., Advocates for appearing Parties

Judgement

S.S. Sudhalkar, J.—This appeal is filed by the Insurance Company against the award of the Motor Accident Claims Tribunal, vide which it was also made liable to pay the amount of compensation.

2. The first point argued by the learned counsel for the appellant is that the driver of the vehicle was not holding valid driving licence. It is clear from discussion in para No. 14 of the award of the Tribunal that the driver had submitted a copy of the driving licence issued by Licensing Authority, Gwalior on 22.5.1989. The appellant got it verified and as per the verification, no such licence was found to have been issued in favour of respondent No. 4. The appellant also examined R.W.1, Parveen Raja Purkar, a Clerk in the office of RTO Gwalior and he proved the report that no licence was issued in the name of respondent No. 4 bearing the name and year, as stated in the copy of the licence. On the contrary, the witness deposed that the licence was issued to one Gore Lal.

3. There is another driving licence, Ex. R/3 issued in the year 1989 in the name of respondent No. 4. It is issued by District Transport Officer, Amritsar. The Tribunal considered the duplicate driving licence issued from the District Transport Officer, Amritsar which was placed on the file. It showed that the driving licence was issued in the year 1989 and was valid upto 18.5.2001. The duplicate licence has been produced by the Clerk in the District Transport Office, Amritsar appearing in the Court as RW3 who stated that the licence was issued in

favour of respondent No. 4 and was renewed on 19.5.1989 and thereafter on 18.4.2001. The Tribunal has, therefore, held that the driver of the vehicle was holding a valid driving licence on the date of accident.

4. Counsel for the appellant has argued that a person cannot have two driving licences. However, one driving licence, even according to the learned counsel for the appellant, was fake. A fake licence is no licence in the eyes of law and if that is so, the licence issued by the D.T.O. Amritsar is the only driving license which was issued to the respondent driver. Therefore, this cannot be said to be a case of two driving licences. (Moreover, it is not shown that if a person is having two driving licences, the Insurance Company can disclaim its liability).

5. In view of the above reason, we do not find any ground to interfere with the award of the Tribunal that the driver was holding a valid driving licence.

The next point argued before us by the learned counsel for the appellant is that the Tribunal has erred in awarding 12% interest and it should not have been more than 9%. However, in view of our judgment in F.A.O. No. 1864 of 2001 United India Insurance Company v. Pinki Walia and others, 2001(4) RCR(Civil) 809 (P&H) : decided on 4.7.2001, we find it proper not to interfere with the case.

No further ground has been argued.

This appeal deserves to be dismissed and is hereby dismissed.