

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

229

2025:PHHC:097300



**FAO No. 682 of 2016 (O&M)  
DECIDED ON: 31<sup>st</sup> July, 2025**

**The Oriental Insurance Company Limited**

**.....Appellant**

**VERSUS**

**Binder Kaur and others**

**.....Respondents**

**CORAM: HON'BLE MS. JUSTICE [NIDHI GUPTA](#).**

Present: Mr. Mavir Verma, Advocate for  
Mr. Rajneesh Malhotra, Advocate for appellant.

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**[NIDHI GUPTA., J \(ORAL\)](#)**

The present appeal has been filed by the Insurance Company seeking modification/setting aside of the Award dated 30.11.2015 passed by learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') whereby the claim petition bearing MACT Case No. 232/28/2015 filed under Section 166 of the Motor Vehicle Act, (hereinafter referred to as 'the Act') by the claimants/respondents No. 1 to 4 herein, has been allowed; and the claimants have been awarded compensation of Rs.10,25,000/-. The four claimants are the widow, minor son, mother and brother of deceased-Lachhman Dass.

2. Brief facts of the case are that the learned Tribunal on appraisal of pleadings, oral and documentary evidence adduced by the parties before it concluded that the deceased-Lachhman Dass died due to injuries suffered by him in a motor vehicular accident that took place on 24.04.2015 due to rash and negligent driving of motorcycle bearing registration No.PB-11-AT-9827

(hereinafter referred to as 'the offending vehicle') being driven by respondent No.5; owned by respondent No.6; and insured by the appellant.

3. Ld. Tribunal has awarded the above said compensation alongwith interest at the rate of 6% per annum. Learned Tribunal has further held that the appellant and respondents No.5 and 6/driver and owner respectively of the offending vehicle, liable to pay the compensation jointly and severally.

4. Learned counsel for the appellant-Insurance Company assails the impugned Award on the ground that the driving license of respondent No.5 was fake. It is submitted that after the accident had taken place on 24.04.2015. The appellant had made application for verification of the license; whereupon a report has been received as per which the driving license of respondent No.5 was fake. It is accordingly submitted that the appellant was therefore entitled to recovery rights against respondents No. 5 and 6. It is accordingly prayed that the matter be remanded back to the learned Tribunal for re-consideration on merits in the light of this new evidence.

5. No other argument is made on behalf of the appellant.

6. I find no merit in the submissions made on behalf of appellant. A perusal of the record of the case shows that it was the pleaded case of the appellant before the Tribunal (as noted in para-4 of the impugned Award) that respondents No. 5 and 6 had been falsely implicated in the accident in question by the claimants to get compensation from the appellant. Nowhere is the plea of fake driving licence taken by the appellant.

7. Further, Issue No.4 was framed by the Id. Tribunal to the effect that “*Whether respondent No.1 was not holding a valid and effective driving licence at the time of accident? OPR*”. The onus to prove this Issue was upon the appellant. However, it is categorically recorded in Para-21 of the impugned Award that the appellant did not lead any evidence in this respect as follows:

*“21. Onus to prove this issue was upon respondent no.3, but respondent no.3 did not lead any evidence on these issues. On the other hand counsel for respondents no.1 and 2 has tendered the copy of driving license of respondent no.1 as Mark RA, photo copy of RC offending vehicle as Mark R-B and photocopy of fitness certificate as Mark R-C. Accordingly, it is proved on the file that at the time of accident respondent No.1 was having valid and effective driving license and the offending vehicle was having valid RC and fitness certificate. The offending vehicle is Mahindra Pick-up Jeep and there is no allegation that the same was being used for commercial purpose, so route permit was not required. Accordingly, both these issues are decided against respondent no.3 and in favour of the claimants.”*

8. It is now submitted on behalf of learned counsel for the appellant that the verification report in respect of license of respondent No.5 was received only on 03.12.2015 i.e. after passing of the Award on 30.11.2025. However, the said submission of the appellant is liable to be rejected in view of the admitted fact that application for verifying the license of respondent No.5 was moved by the appellant before the concerned Transport Authority only vide application dated 17.11.2015 (Annexure P-1); whereas the accident had taken place on 24.4.2015. As such, due vigilance and diligence has not been exercised by the appellant. Moreover, respondents have had no chance to lead evidence in respect of the said report; and therefore, the same cannot be relied upon. Thus, given the totality of above

noted facts and circumstances of the case, no ground is made out to interfere in the impugned Award.

9. In this view of the matter, the present appeal stands **dismissed**.

10. Pending application(s), if any, shall stands disposed of.

**31<sup>st</sup> July, 2025**

*reema*

*Whether speaking/reasoned*      *Yes*  
*Whether reportable*                *No*

**(NIDHI GUPTA)**  
**JUDGE**