



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
128 **FAO-1270-2025 (O&M)**
Date of decision: 24.02.2025

Prem Sagar

...Appellant(s)

Vs.

Ishar Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Roja Agnihotri, Advocate
for the appellant.

NIDHI GUPTA, J.

Present appeal has been filed by the owner of the canter No.PB-11-BN-7437 (hereinafter referred to as "the offending vehicle") against the Award dated 21.10.2024 passed by Motor Accident Claims Tribunal, Patiala, whereby the appellant has been held liable to pay the compensation of Rs.10,18,337/-awarded to the claimants/respondents No.1 to 6 herein. The appellant was held liable to pay the compensation on account of the fact that: (i) Karamjit Singh/driver of the offending vehicle was not holding a valid driving licence at the time of accident; and (ii) appellant/owner of the offending vehicle was not having proper fitness certificate and route permit at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence led by the parties concluded that the deceased - Kartar Kaur had died due to the injuries suffered by her in a motor vehicular accident that took place on 20.05.2019 due to the rash and negligent driving of the offending vehicle



by respondent No.7/driver. The offending vehicle was owned by the appellant and insured by respondent No.8. The appellant and respondent No.7/driver of the offending vehicle were held liable to pay the impugned compensation as at the time of accident, the driver/respondent No.7 was not holding valid driving licence; he was having fake driving licence; and the appellant was not having proper fitness certificate and route permit for the offending vehicle. The aforesaid compensation was awarded along with interest @ 7.50% per annum from the date of filing the petition.

3. Learned counsel for the appellant assails the impugned Award on the ground that while passing the impugned Award the Ld. Tribunal failed to consider EX RW3/1 and EX R-18 Driving License vide DL no. PB04 2170008231 of respondent No.7 i.e. Karamjit Singh issued by Indian Union Driving License, Punjab State which was valid till 14.02.2022. As such, this explicitly depicts that respondent No.7 had valid and genuine license on the date of accident i.e. 20.5.2019. It is submitted that furthermore, both exhibits Ex RW3/1 and Ex R-18 correspond with the Exhibit R-9, which shows the driving license vide DL no. PB04 2170008231 to be issued on 26.12.2014 and valid up to 14.02.2022, which has been extracted from the office of Regional Transport Office, Kapurthala. This conclusively proves that the driving license of respondent no. 7 was valid and operative at the time of the accident.

4. It is submitted that as has been pleaded in Para 7 of the present Grounds of Appeal, "*...it is not in dispute that the canter was*



having fitness certificate valid upto 23.09.2018 though one of the condition for grant of permit is that vehicle in question should be plied with a valid fitness certificate however no order passed by the competent authority cancelling the same and hence the permit of the canter was not cancelled by the competent authority as contemplated under Section 86 of the Motor Vehicles Act, 1988, therefore, there was no breach of insurance policy...". It is accordingly prayed that the liability imposed upon the appellant vide the impugned Award be set aside.

5. No other argument is made by learned counsel for the appellant.

6. I have heard learned counsel and perused the case file in minute detail.

7. On the basis of the pleadings of the parties, the learned Tribunal had framed the following issues: –

"1. Whether Kartar Kaur died in a motor vehicular accident occurring due to rash and negligent driving of vehicle no.PB11BN-7437 by respondent no. 1?OPP

2. Whether claimants are entitled to compensation, if so to what extent and from whom?OPP

3. Whether respondent no.1 was not holding legal and valid driving license at the time of accident? If so, its effect? OPR-3

4. Whether there is breach of any condition of the Insurance Policy by respondent no. 2? OPR-3

5. Whether the canter No.PB-11-BN-7434 did not have any valid RC, ? OPR-3



5A. Whether offending vehicle i.e. canter No.PB-11-BN- 7434 was being plied without valid registration certificate, route permit, fitness certificate etc. at the time of accident? OPR-3 6. Relief”

8. The arguments raised on behalf of the appellant are successfully demolished by the evidence led by respondent no.8/ Insurance Company who had produced the witnesses from the department namely RW1/Gurjinder Singh, Junior Assistant, RTA Office, Patiala; RW2/Parveen Kumar, Clerk, RTA Office, Sangrur; RW3/Gurmeet Singh RTO clerk, Faridkot; and RW4/Prem Sagar who had deposed that the above said documents relied upon by the appellant were fake and forged. The succinct, clear and cogent findings of the learned Tribunal as contained in Para 23 of the Award, as under:-

“23. Now the question arises as to by which of the respondentssaid amount is liable to be paid to the claimants. The copy of the Insurance Policy of the offending vehicle has been placed on record, which shows that the offending vehicle was duly insured with respondent No.3 Insurance Company. But it is specifically proved by respondent No.3 by leading cogent and convincing documentary evidence that respondent No.1 Karamjit Singh was not holding a valid driving license at the time of accident and he was having fake driving license at the time of the accident and respondent No.2 was not having proper fitness certificate and route permit at the time of accident and respondent No.3 has examined RW1 Gurjinder Singh who has specifically proved the factum of fitness certificate when he has categorically



deposed that fitness certificate Ex.R1 produced on record is a fake document and the said certificate was never issued by their department and there is no passing of the vehicles on 29.9.2018 which happened to be Saturday. Therefore, he has proved the forgery and fabrication of fitness certificate and further RW2 Parveen Kumar has also proved the fake route permit when he has specifically deposed that route permit produced on judicial file by him Ex.R4 and Ex. R5 is correct certificate and the said certificate is valid till 23.9.2018 and further respondent No.3 has proved the forgery of driving license by examining RW3 Gurdeep Singh RTO Clerk. He has specifically deposed that the driving license of respondent No.1 Karamjit Singh Ex.R9 is fake and forged license and Karamjit Singh submitted fake driving license vide No.78604 dated 15.7.2008, which is in the name of Karamjo Singh and license Ex.R10 is a fake license and these witnesses were subjected to lengthy cross-examination, but nothing favourable to the claimants could be brought on record and they have given rational answers regarding forgery of route permit and driving license while facing cross-examination. Therefore, it has proved on record that accident has taken place by respondent No.1 while driving his vehicle in a rash and negligent manner and he was without any route permit, without any fitness certificate and, moreover, he was driving the vehicle with fake license. Therefore, respondents No.1 and 2 have violated the essential terms and conditions of Insurance Company. Therefore, respondent No.3 cannot be held liable for compensation, particularly when there is no fault on the part of respondent No.3 and the entire violation lies upon respondents No.1 and 2 and accordingly, this Court is satisfied that respondents No.1 and 2 being driver and



owner of the offending vehicle are liable to make the amount of compensation to the claimants and accordingly, this issue is hereby decided in favour of the claimants and against respondents No.1 and 2.

ISSUES NO.3, 4, 5 AND 5-A

24. Onus to prove these issues was upon respondent No.3 and respondent No.3 has led sufficient oral as well as documentary evidence, as discussed above by way of examining RW1, RW2 and RW3, who have specifically deposed that respondent No.1 Karamjit Singh was having a fake driving license at the time of the accident and he was not having any valid license at the time of the accident and, moreover, owner of the vehicle was not having any proper fitness certificate and was not having any valid route permit. Meaning thereby respondent No.3 has successfully proved the said contentions and successfully proved the fact that respondent No.1 was not holding valid driving license at the time of accident and successfully proved that there is breach of condition of Insurance Policy by respondent No.2 and, therefore, respondent No.3 has successfully discharged the onus of issues No.3, 4, 5 and 5-A. Accordingly, these issues are accordingly decided in favour of respondent No.3 and against the claimants.”

(Emphasis added)

9. The second argument of the appellant that the fitness certificate having validity up to 23.9.2018, had not been cancelled by the concerned authority; and therefore the offending vehicle had valid fitness certificate. The said argument is ludicrous as, as stated by the appellant



himself, the validity of the fitness certificate was only up to 23.9.2018; and thereafter it would have to be renewed.

10. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings. As such, the impugned Award suffers from no infirmity in holding the appellant and respondent no.7 liable to pay the compensation.

11. In view of the above, present appeal is **dismissed**.

12. Pending application(s) if any also stand(s) disposed of.

24.02.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No