



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

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**FAO-5559 of 2025 (O&M)  
Date of decision :25.09.2025**

**HANSRAJ****... APPELLANT****VERSUS****UNITED INDIA GENERAL INSURANCE CO AND ORS.****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Amit Kashyap Advocate  
for the appellant.

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**PARMOD GOYAL, J.****CM-19051-CII-2025**

This is an application for condonation of delay of 35 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 35 days in filing the present appeal, is hereby condoned.

**Main Case**

1. The present appeal has been filed by Respondent No. 2, the owner of the offending bus bearing registration number PB 11 AQ-9925 being aggrieved by the award dated 01.04.2025 passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal'), whereby the claim petition filed by claimants-respondent Nos. 2 to 5 was allowed, granting compensation amounting to Rs. 9,09,832/-. Respondent Nos. 1 and 2 were held liable to make the payment of compensation; however, Respondent No. 3 was directed to pay the compensation with the right to recover the amount from respondent Nos. 1 and 2. Aggrieved by the fixation of liability on Respondent



Nos. 1 and 2, the owner of the offending vehicle has approached this Court by way of the present appeal.

2. Following issues were framed by learned Tribunal:

- “1. *Whether Harnek Singh died in motor vehicular accident occurred on 14.11.2020 at about 6:00p.m. due to rash and negligent driving of respondent no. 1 by driving offending vehicle no. PB11-AQ-9925, which is owned by respondent no. 2 and insured with respondent no.3?OPP*
2. *If issue no. 1 is proved, whether the claimants are entitled to compensation, if so, to what extent and from whom? OPP*
3. *Whether the claim petition is not maintainable? OPR3*
4. *Whether the driver of the offending vehicle was not holding a valid and effective driving license, registration certificate, fitness certificate, permit etc. at the time of accident? OP3*
5. *Relief.”*

3. Along with the present appeal, the appellant has also filed an application under Order 41 Rule 27 of the Code of Civil Procedure (CPC). The appellant is primarily aggrieved by the finding of the learned Tribunal on Issue No. 4, whereby it was held that the driver of the offending vehicle was not holding a valid driving license at the time of the accident. Consequently, liability was imposed on Respondent No. 1, the driver of the offending vehicle, and Respondent No. 2, the owner of the vehicle.

4. It is the case of the appellant that the offending vehicle was covered by a valid insurance policy, fitness certificate, permit, and all relevant documents, which were duly handed over to the learned counsel representing Respondent No. 2, namely Sh. K.S. Sidhu, Advocate. However, the learned counsel failed to exercise due diligence and did not place the driving license, registration certificate, fitness certificate, permit, and other documents before the Tribunal.



5. The appellant asserts that Respondent No. 1 was holding a valid driving license, and the vehicle possessed all necessary certificates and permits at the time of the accident. The present appeal has been filed along with the application under Order 41 Rule 27 CPC to challenge the findings.

6. While deciding Issue No. 2, the learned Tribunal made the following observations:

*“18. Now coming to the liability, respondent no. 2 **Hans Raj while appearing into witness box as RW2** has deposed that he is owner of Bus bearing registration no. PB11-AQ-9925 and he always got done insurance from the Insurance company and his above said vehicle is insured with respondent no. 3. He further stated that at the time of appointment of respondent no.1 Gurmail Singh as driver he has checked the driving license which appeared to be genuine and he also confirmed the genuineness of the Driving license from the driver. He further stated that he also got conducted road test of driver in January 2019 when he was appointed. He further added that his driving license was upto the mark moreover he was well experienced driver and he know him personally for the last so many years as he was in the same profession with local transporters at Patran but this witness has failed to place on record driving license of respondent no.1, route permit of offending bus. Even during cross examination at the hands of learned counsel for respondent no. 3 this witness has admitted that Gurmail Singh was not having driving license. Moreover, this witness has failed to produce the copy of driving license of respondent no. 1 and route permit of offending bus despite having sufficient opportunities to produce the same.*

*Respondent no. 3 has also examined **Baljinder Singh ASI again wrongly mentioned as RW1**, who has deposed that challan has been produced in the court of JMIC Samana on 5.10.2024. He further stated that driver Gurmail Singh accused came to him on the same date at about 4:00 p.m. and*



*he was not under the influence of liquor. He further stated that he was told by the complainant that driver was under the influence of Alcohol and driver himself told him that he is under influence of Alcohol. He further stated that the driver was got medically examined and found that driver was under influence of liquor. He further stated that report issued by doctor is attached in the court of Smt. Ekta, JMIC, Samana. He further stated that the driver failed to produce driving license as he told that same has been lost at the time of accident. He further proved on file copy of site plan Ex. RWI/A.*

*Respondent no. 3 has also examined **RW2 Sh. Mayank Bhatnagar, Ahlmad, Court of Ms. Ekta Sedha, JMIC, Samana**, who has brought the summoned record titled as *State Vs. Gurmail Singh, FIR No. 388/15.11.2020, U/s 279,304-A IPC pending in the said court and fixed for appearance of accused. He stated that the file contained application dated 15.11.2020 moved by ASI Baljinder Singh and report has been made by Dr. Dilpreet Kaur and proved copy of same as Ex. RW2/A. Perusal of the said report shows that when Gurmail Singh was examined by the concerned doctor in hospital then from all the tests conducted by her as per Ex. RW2/A he was not found under the influence of liquor. Moreover no FSL report has been found in challan about drunkard condition of driver Gurmail Singh. So the argument of learned counsel for respondent no. 3 that driver was in drunkard condition at the time of accident has no merit in it.**

*Perusal of the record reveals that documents i.e. RC of offending Bus no. PB11-AQ-9925 as well as copy of Insurance policy of the same has not been placed on record. Perusal of the written statement filed on behalf of respondent no. 3 Insurance company shows that respondent no. 3 has admitted that bus in question was insured with respondent no. 3 at the time of said accident. So it is admitted case of respondent no. 3 that offending bus was insured with*



*respondent no.3 at the time of accident. The respondent no. 2 has failed to prove on record Registration certificate, Route permit of offending bus and driving license of respondent no.1 and in these circumstances, all the respondents are jointly and severally liable to pay the compensation and it is respondent no. 3 Insurance company who has to pay the entire compensation to the claimant no.1 at this stage and respondent no. 3 is having right/entitled to recover the same from respondent no. 1 and 2. Accordingly, Issue no.2 is decided in favour of the claimant no.1 and against respondents.”*

7. On the basis of the above-noted observations, the learned Tribunal decided Issue No. 4 in favor of Respondent No. 3 and against Respondent Nos. 1 and 2. Respondent No. 2 was held primarily liable to pay the compensation; however, directions were given to Respondent No. 3 to pay the compensation with the right to recover the amount from Respondent Nos. 1 and 2.

8. Admittedly, in the present case, the appellant owner of offending bus appeared in the witness box as RW-2. He stated that he had duly insured the vehicle with Respondent No. 3 and had verified the driving license of the driver, which was found to be genuine. He asserted that after conducting a road test in January 2019 and when driver's driving was found to be satisfactory, driver was employed. He also claimed that the vehicle had a valid route permit. However, despite appearing as RW-2, he did not produce any copy of the driving license or route permit on record.

9. The Investigating Officer in the present case, ASI Baljinder Singh, stated that he had filed the challan. He asserted that the driver had approached him and was found to be under intoxication. The driver was examined and tested positive for being under the influence of liquor. The medical report was attached with the challan. The Investigating Officer also stated that the driver failed to



produce a valid driving license.

10. RW-2 Mayank Bhatnagar, Ahlmad from the Court of JMIC, Samana, where the criminal trial against Respondent No. 1 arising from FIR No. 388 dated 15.11.2020, registered under Sections 279 and 304-A IPC, is pending, produced the relevant record. He stated that the file contains an application dated 15.11.2020 moved by ASI Baljinder Singh and a report by Dr. Dilpreet Kaur, which were placed on record as Exhibit RW-2/A. It was confirmed that Respondent No. 1 was not found to be under the influence of liquor. The learned Tribunal also noted that neither the driving license/Registration Certificate (RC) nor the insurance policy were placed on record.

11. In view of the facts noticed by the learned Tribunal, as well as those observed by this Court, it is clearly made out that the respondents had due opportunity to place all relevant documents such as the Registration Certificate (RC), insurance policy, permit, and driving license on record before the Tribunal, but they deliberately chose not to do so. Therefore, no fault can be found with the conclusion drawn by the learned Tribunal.

12. No doubt, the appellant has filed an application under Order 41 Rule 27 CPC along with the present appeal; however, the said application appears to be a dishonest attempt on the part of the appellant to mislead the Court. In the said application, the appellant has specifically pleaded that the driver's driving license is available and has been attached as Annexure A-9, and he seeks to prove the said document on record. However, a perusal of Annexure A-9 clearly reveals that reliance is being placed on an incorrect or irrelevant document, solely with the intent to misguide the Court.

13. Perusal of Annexure A-9 reveals that it has been issued in the name of Gurmail Singh, son of Mahinderpal Singh, resident of House No. 675, Ajit Singh Colony, District Sangrur, Punjab. However, memo of appearance and the



impugned award clearly indicate that Respondent No. 1 before the Tribunal, and Respondent No. 6 before this Court i.e., the driver of the offending vehicle is Gurmail Singh, son of Baderi Singh, resident of Sadi Hari, Police Station Dirba, District Sangrur.

14. It is, therefore, evident that the person impleaded as the driver of the offending vehicle is different from the individual whose particulars appear in Annexure A-9. This establishes that by falsely relying on Annexure A-9, the appellant has attempted to mislead the Court in order to secure issuance of notice of motion and interim relief. Annexure A-9 has no relevance to the present case.

15. The core issue in the appeal is whether Respondent No. 1 was holding a valid driving license at the time of the accident. Since Annexure A-9 does not pertain to respondent No. 1 / respondent No. 6, who is the driver of the offending vehicle, the said document is not material for the decision of the present appeal.

16. No other ground, as contemplated under Order 41 Rule 27 CPC, has been shown to justify the production of additional evidence at the appellate stage. The documents sought to be produced, particularly the driving license marked as Annexure A-9, are not necessary for enabling this Court to pronounce the judgment effectively, as Annexure A-9 does not pertain to the driver of the offending vehicle.

17. The application for additional evidence under Order 41 Rule 27 CPC is, therefore, nothing but an abuse of the process of the Court. Accordingly, the application is dismissed.

18. Faced with above conclusion, learned counsel for the appellant has argued that the appellant had appeared in the witness box as RW and clearly stated that he had duly verified the driving license of Gurmail Singh, and



thereafter conducted a driving test before employing him. However, present is not a case where the license has been found to be fake, but rather one where the license is simply not available on record. Present is not a case of a fake or invalid license; rather, it is a case where no driving license of Respondent No. 1 has ever been produced at any stage. The assertions made by the appellant during his testimony, that he had checked and verified the license, are wholly baseless in the absence of any documentary evidence of such license.

19. It is noteworthy that no driving license was produced during the investigation of FIR No. 388 dated 15.11.2020, nor was it placed on record before the Criminal Court where the said FIR is pending trial, or was it produced before the Motor Accident Claims Tribunal. Even before this Court, the appellant has attempted to place on record a driving license pertaining to an entirely different individual Gurmail Singh, son of Mohinderjit Singh instead of respondent No. 1, Gurmail Singh, son of Badri Singh.

20. In these circumstances, the assertion that the appellant had verified the license before employing the driver is not only unsubstantiated but appears to be false and a deliberate attempt to avoid liability. There is no material on record to support the claim that Respondent No. 1 ever held a valid driving license.

21. Therefore, the claim of the appellant—owner/Respondent No. 2—that he was diligent and had conducted due verification, including a driving test, is without merit and does not inspire confidence. In the absence of any valid driving license, the conclusion drawn by the learned Tribunal that the Insurance Company is not liable to indemnify the appellant cannot be faulted.

22. Accordingly, the appeal is found to be without merit and is hereby dismissed.



23. Pending miscellaneous application(s), if any, shall also stand disposed of.

25.09.2025  
manoj

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No