

(2010) 07 P&H CK 0250

High Court Of Punjab And Haryana At Chandigarh

Case No: F.A.O. No. 1228 of 2003

The New India Assurance
Company Limited

APPELLANT

Vs

Suman Bansal and Others

RESPONDENT

Date of Decision: July 27, 2010

Acts Referred:

- Motor Vehicles Act, 1988 - Section 163A

Hon'ble Judges: K. Kannan, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

K. Kannan, J.

All the four cases arise out of the same accident and address the same issue relating to defence of the insurance company that the driver did not have a valid driving licence. In evidence, it produced a report of the licensing authority that the driver did not have a valid driving licence. The driver himself had given a copy of licence and marked as R-4. The Tribunal reasoned that a mere production of a report will not be sufficient to discredit the copy of the licence produced and when no evidence had been let in with reference to the report by a person connected with the original register or a person from the office of the transport officer, the insurer could not be said to have discharged the burden of proof.

2. It is also contended that petition u/s 163-A was not maintainable, for the insured vehicle was hit against a stationary vehicle and negligence could not be attributed to the insured's vehicle. The proof of negligence is irrelevant in a claim u/s 163-A and therefore, I am afraid I cannot accept the contention made by the learned Counsel appearing for the insurer.

3. I find myself in full agreement with the reasoning of the Tribunal and I dismiss the appeal filed by the insurer in all the cases affirming the liability cast on it.