
(2016) AAC 469 : (2016) ILRHP 115

High Court of Himachal Pradesh

Case No: FAO No.319 of 2009

Jagtar Singh and
another

APPELLANT

Vs

Sneh Lata and others

RESPONDENT

Date of Decision: Jan. 1, 2016

Acts Referred:

Motor Vehicles Act, 1988 " Section 147

Citation: (2016) AAC 469 : (2016) ILRHP 115

Hon'ble Judges: Mansoor Ahmad Mir, C.J.

Bench: Single Bench

Advocate: N.K. Thakur, Senior Advocate, with Rahul Verma, Advocate, J.S. Bagga, Advocate,
for the Respondent

Final Decision: Dismissed

Judgement

Mansoor Ahmad Mir, C.J. (Oral) - This appeal is directed against the award, dated 30th March, 2009, passed by the Motor Accident Claims

Tribunal, Fast Track Court, Una, (for short, the Tribunal), whereby compensation to the tune of Rs.7,70,000/-, along with interest at the rate of

6% per annum, came to be awarded in favour of the claimants and the insurer was saddled with the liability, with right of recovery, (for short, the

impugned award).

2. The claimants and the insurer have not questioned the impugned award on any count, thus, the same has attained finality so far as it relates to

them.

3. Feeling aggrieved, the driver and the owner have questioned the impugned award on the ground that the Tribunal has fallen in error in saddling

them with the liability and that the insurer has wrongly been exonerated.

4. I have heard the learned counsel for the parties and have gone through the impugned award as well as the pleadings of the parties.

5. It was for the insurer to prove that the driver of the offending vehicle was not having a valid and effective driving licence, has examined RW-3

Shri Umesh Tripathi, employee of Regional Transport Authority, Bilaspur in Chhattisgarh, who has clearly stated that the driving licence, in

question, was never issued from their office. Certificate Ext.RW-3/A and copy of the driving licence Ext.RW-2/C clearly establish that the driver

of the offending vehicle was not having a valid licence on the date of accident. The Tribunal has rightly made discussion on the said issue in

paragraph 16 of the impugned award.

6. Having said so, no interference is required in the impugned award. Accordingly, it is held that there is no merit in the appeal and the same is

dismissed. Consequently, the impugned award is upheld.

7. The Registry is directed to release the amount of compensation in favour of the claimants, strictly in terms of the impugned award.