

(2004) 12 AHC CK 0218**Allahabad High Court****Case No:** None

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Lajjawati and Others

RESPONDENT

Date of Decision: Dec. 1, 2004**Citation:** (2005) 3 ACC 865**Hon'ble Judges:** Rajiv Sharma, J; Pradeep Kant, J**Bench:** Division Bench**Final Decision:** Dismissed**Judgement**

Pradeep Kant, J.

Heard the learned Counsel for the appellant Mr. Anil Srivastava and Mr. Rnjjendra Jaiswal for the respondents.

2. Learned Counsel for the appellant (Insurance Company) submitted that no liability could have been fixed on the Insurance Company for the amount awarded in view of the fact that the licence of the truck driver was not valid. In this regard he submits that the original driving licence which has been relied upon was with respect to the driving of light goods vehicle which was issued in 1992. But that too was not in the name of Pappu Yadav. The licence was got renewed from Faizabad in the name of Pappu Yadav. His submission is that if the alleged truck driving licence was false and fake the renewal thereof would not make the licence valid.

3. In response Mr. Rajendra Jaiswal submitted that even assuming that the licence was not valid and was fake that would not absolve off the liability of the Insurance Company.

4. We, therefore, while dismissing this appeal give an opportunity to the Insurance Company to purpose the remedy as per law laid down in the case of National Insurance Co. Ltd. Vs. Baljit Kaur and Others,

5. The appeal is dismissed.