

(2008) 02 DEL CK 0248

Delhi High Court

Case No: Mac App No. 737 of 2007

Shri Kripal Singh

APPELLANT

Vs

ICICI Lombard General
Insurance Co. Ltd. and Others

RESPONDENT

Date of Decision: Feb. 13, 2008

Hon'ble Judges: Kailash Gambhir, J

Bench: Single Bench

Advocate: Ravinder Tyagi and Manish Sharma, for the Appellant; Suman Bagga, for the Respondent

Final Decision: Dismissed

Judgement

Kailash Gambhir, J.

Learned Counsel for the appellant submits that the Tribunal has wrongly given recovery rights to the Insurance Company to recover the amount of the award from the owner of the offending vehicle i.e., the appellant herein.

2. Counsel for the appellant also contends that the Tribunal has not taken into consideration the copy of the driving licence which was placed on record which shows that the driver of the offending vehicle had valid driving licence to drive medium passenger vehicle.

3. The contention of the counsel for the appellant is that the medium passenger vehicle also covers the offending vehicle i.e., a crane. Counsel for the appellant has also placed reliance on photocopy of the driving licence placed on record in appeal at page 33 of the paper book to contend that renewal of the licence in favour of the driver of the offending vehicle was granted w.e.f. 25.3.2006.

4. I have heard learned Counsel for the appellant and have perused the record. I do not find any force in the submissions made by the counsel for the appellant.

5. Perusal of the copy of driving licence placed before the Tribunal clearly indicates that the licence was given in favour of the driver for motorcycle and motor car only. Certain other columns in the said copy of the licence have also been tick marked but such tick marks goes against the previous column wherein it is clearly stated that the licence is for motorcycle/motorcar (private) only. Even the column on which counsel for the appellant has placed reliance cannot cover the offending vehicle which is a crane as the said column relates to medium passenger vehicle. In any case of the matter, a crane cannot be considered to be a passenger vehicle. The photocopy of the renewed licence which has been placed on record is as suspicious as the photocopy of the licence placed before the Tribunal. This renewal shows that the licence has been renewed w.e.f. 25.3.2006 till 24.3.2009. The validity of the earlier licence is up to 10.8.2006. It is, therefore, beyond one's comprehension as to how during the validity of the previous licence there could be renewal of the same licence by overlapping of the same period.

6. In any case of the matter, the appellant did not contest the case except by filing written statement and was proceeded ex parte.

7. The contention of the learned Counsel for the appellant that the advocate representing the appellant did not guide the appellant properly, is devoid of any merit as once the case has been filed against any person then it is for the party impleaded in the case to take the matter seriously.

8. No ground to interfere with the impugned award.

9. Dismissed.