

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W. P. (C) No. 750 of 2011

New India Assurance Company Ltd., Divisional Office, Kamani Centre,
P.O. & P.S.-Bistupur, Jamshedpur, Dist.-East Singhbhum, through Sunil
Jha, Divisional Manager, Ashok Automobiles Building, Main Road, Ranchi
... .. Petitioner

Versus

1. Sunita Devi @ Sumitra Devi, W/o Late Dinesh Kumar Prasad
2. Manjay Kumar Prasad (Minor)
3. Ranja Kumar Prasad (Minor), Respondent Nos. 2 and 3 both S/o Late
Dinesh Kumar Prasad, being the minor are being represented through
their mother as natural guardian and next friend
4. Hiralal Prasad, S/o Late Ramnalal Prasad, All R/o Gopalpur Kothi, P.O.-
Gopalpur, P.S.-Basantpur, Dist.-Siwan, at present residing at Khan Basti
(New Kedia Petrol Pump), P.O. & P.S.-Adityapur, Dist.-Seraikella
Kharsawan
5. Firoz Alam, S/o Md. Habibulla, R/o Shastri Nagar, No.-2, P.O. & P.S.-
Kadma, Jamshedpur, Dist.-Singhbhum East Respondents

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner	: Mr. Alok Lal, Advocate
For the Respondents	: Mr. Amit Kr. Das, Advocate Mr. Vineet Sinha, Advocate

Oral Order

06 / Dated : 07.07.2025

1. The instant writ petition has been filed for quashing the order dated 15.01.2009 passed by the Permanent Lok Adalat, Jamshedpur in PLA Case No. 479 of 2007 under Section 22(c) of the Legal Services Authority Act, 1987 whereby and whereunder, the claimants have been directed to pay Rs.3 Lakh under Section 163A of the Motor Vehicle Act, 1988.
2. It is submitted by learned counsel for the petitioner that specific defence has been taken by the Insurance Company that the driver was not having a valid driving license at the time of accident and the issuing authority was the D.T.O., Lohardaga. The Office of D.T.O., Lohardaga has reported that the said license was a fake one. This point was not, at all, considered and the liability has been saddled with the Insurance Company which should have been on the owner for breach of terms and conditions of the insurance policy.

3. Learned counsel for the claimants -respondent nos. 1 and 4 submits that when an owner is hiring a driver, he will have to check whether the driver has a driving licence. If the driver produces a driving licence which on the face of it looks genuine, the owner is not expected to find out whether the licence has in fact been issued by a competent authority or not. Reliance is placed on **Rishi Pal Singh Vs New India Assurance Company Limited & Ors. (2022 SCC OnLine SC 2119)**.
4. The law is settled that the Writ Court does not sit in as a Court of appeal or revision over the finding of fact recorded by the Court or Tribunal. The scope of interference is limited to the jurisdictional error. This Court does not find any jurisdictional error in the impugned order.

Accordingly, this writ petition is dismissed.

Pending I.A., if any, stands disposed of.

(Gautam Kumar Choudhary, J.)

AKT/Satendra