

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2547 OF 2008

Vinod Kumar Dutta

Appellant(s)

VERSUS

Smt. Sharda Devi & Others

Respondent(s)

WITH

CIVIL APPEAL NO.2548 OF 2008

O R D E R

Heard both sides.

Aggrieved by the award of the Motor Accident Claims Tribunal, the driver of the vehicle in question, namely, Har Kawal Singh, has filed an independent appeal before the High Court. The only contention before the High Court was that on the date of the accident, namely, 23rd November, 1999, the driver was having a valid driving licence. The Tribunal taking note of the evidence of R.W.1, Amrit Singh, Junior Assistant, working in the office of D.T.O., Fatehgarh Sahib, and after perusing Exhibit R-1, driving licence and endorsement therein, came to a definite conclusion that the driver, Har Kawal Singh, was not having driving licence on the date of the accident, namely, 23rd November, 1999. The said finding was affirmed by the High Court.

Similar claim was projected before us. We also verified the evidence of R.W.1, as well as Exhibit R-1, which are available in the records. We are satisfied that on the date of the accident, the driver was not having valid driving licence.

After the dismissal of the appeal filed by the driver, owner of the vehicle, namely, Vinod Kumar Dutta, filed an independent appeal before the High Court with a delay of six months in filing the same. In view of the conclusion arrived at in the appeal filed by the driver, the High Court had dismissed his appeal on the ground of limitation. We fully concur with the said conclusion.

Accordingly, both the appeals fail and are dismissed.

(P. SATHASIVAM)

.....CJI.



| Court Master

| | Assistant Registrar

|

(Signed order is placed on the file)