

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 582 OF 2015

(Against the Order dated 28/01/2015 in Appeal No. 330/2013 of the State Commission Bihar)

1. ORIENTAL INSURANCE CO. LTD.

HEAD OFFICE 88 JANPATH, CONNAUGHT PLACE

NEW DELHI 110001

.....Petitioner(s)

Versus

1. SHIV SHANKAR PRASAD SAHU

S/O ASHARFI SAHU R/O SADATPUT BARIYA, P.S.

KANTI

MAZAFFARPUR

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE V.K. JAIN, PRESIDING MEMBER

HON'BLE DR. B.C. GUPTA, MEMBER

For the Petitioner : Mr. C.R. Gola, Advocate

For the Respondent : Dr. Amit George, Advocate

Dated : 09 Sep 2015

ORDER

JUSTICE V.K. JAIN, PRESIDING MEMBER (ORAL)

This revision petition is directed against the order of the State Commission dated 28.01.2015 whereby the State Commission dismissed the appeal filed by the petitioner company against the order passed by the District Forum dated 31.07.2013 whereby the said forum had allowed the complaint filed by the respondent and directed the petitioner company to pay a sum of Rs.4,69,477/- to the complainant along with interest @ 9% per annum, compensation quantified at Rs.30,000/- and cost of litigation quantified at Rs.5,000/-2. The complainant, who owned a Tavera Chevrolet Car bearing no.BR-06)-1581, had got the said vehicle insured with the petitioner company for the period for the period from 17.02.2007 to 16.02.2008. The vehicle met with an accident on 13.06.2007 when it was allegedly been driven by one Shri Umesh Kumar Choudhary. The complainant lodged a claim for reimbursement of the damages sustained by the vehicle in the aforesaid accident. The claim however was rejected by the insurance company on the ground that the driver of the vehicle did not possess a valid driving licence at the time of the accident. Being aggrieved, the complainant approached the concerned District Forum by way of a complaint. The complaint was resisted by the insurance company on the ground that the driving licence, a copy of which had been supplied to the insurance company, was found to be a fake document.

3. It transpires during the course of hearing before us that initially, the complainant submitted to the petitioner a driving licence bearing no.WB-01-524545 purported to be issued to Shri Umesh Kumar Choudhary by Licensing Authority, Kolkata for the period from 10.05.2007 to 09.05.2010. The case of the insurance company is that the said aforesaid driving licence was a fake licence though Shri Umesh Kumar Choudhary had been issued a licence bearing no.WB-01-524545 (T), the same was valid only upto 10.05.2007. Thus, as per the verification carried out by the insurance company though the initial licence issued to Shri Umesh Kumar Choudhary for the period from 11.05.2004 to 10.05.2007 was valid, the renewed licence for the period from 10.05.2007 to 09.05.2010 was a fake document.

4. The complainant, during the pendency of the claim before the insurance company submitted another driving licence which Shri Umesh Kumar Choudhary had purportedly obtained from the Licensing Authority, Kolkata. The number of the aforesaid driving licence was WB-012004193885 and it was valid for the period from 11.05.2005 to 15.02.2029. The genuineness of the second driving licence produced by the complainant to the insurance company was not verified either by the insurance company or by the District Forum.

5. Section 6 of the Motor Vehicles Act, 1988 to the extent it is relevant provides that no person will hold more than one driving licence except a Learner's Licence or a licence issued in accordance with the provision of Section 18 of the said Act. Section 18 relates the licence to drive the motor vehicles belonging to the Central Government.

6. Since no one can hold more than one driving licence, either the licence valid initially from 11.05.2004 to 10.05.2007 or the licence valid for 25 years from i.e. 11.05.2004 to 15.02.2029 would be valid. This is on the assumption that neither of them is a forged document. Since both the licences purport to have been issued on the same date i.e. 11.05.2004, it is not possible for us to decide which out of the aforesaid two driving licences was issued first in point of time. It would therefore be necessary for us to remit the matter back to the District Forum to carry out the requisite verification in this regard.

7. For the reasons stated hereinabove, the impugned orders are set aside and the matter is remanded back to the District Forum with the following directions:-

(i) The District Forum shall summon the concerned Licensing Authority with the record related to issue of Driving Licence no. WB-01-524545 and Driving Licence No. WB-012004193885 and verify the genuineness or otherwise of the aforesaid licences.

(ii) The District Forum shall also verify the genuineness or otherwise of the renewed Driving Licence No.WB-01-524545 purported to be issued on 10.05.2007 and valid for the period from 10.05.2007 to 09.05.2010, from the record of the concerned Licensing Authority.

(iii) In case, Driving Licence no. WB-012004193885 as well as Driving Licence No.WB-01-524545 are found to be genuine, the District Forum shall verify which of the aforesaid driving licences was issued first.

(iv) After carrying out the requisite information in terms of this order, the District Forum shall decide the complaint afresh taking the additional material into consideration.

The parties are directed to appear before the District Forum on 05.10.2015. We request the District Forum to decide the complaint afresh within three months from the parties appearing.

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V.K. JAIN
PRESIDING MEMBER

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DR. B.C. GUPTA
MEMBER