

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 1972 OF 2015

(Against the Order dated 01/05/2015 in Appeal No. 91/2015 of the State Commission Chandigarh)

1. SALINDER KUMAR

SH. BANARSI DAS, #404, SECTOR 27,

PANCHKULA

HARYANA

.....Petitioner(s)

Versus

1. NEW INDIA ASSURANCE CO. LTD.

SCO 804,NAC MANIMAJRA

CHANDIGARH

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE K.S. CHAUDHARI, PRESIDING MEMBER

For the Petitioner : MR. RAJESH KUMAR

For the Respondent :

Dated : 23 Sep 2015

ORDER

PER JUSTICE K.S. CHAUDHARI, PRESIDING MEMBER

This revision petition has been filed by the petitioner against the order dated 1.5.2015 passed by the learned State Consumer Disputes Redressal Commission, U.T., Chandigarh (in short, 'the State Commission') in Appeal No. 91 of 2015 – Salinder Kumar Vs. The New India Insurance Co. Ltd. by which, appeal was dismissed.

2. Brief facts of the case are that complainant/Petitioner owner of Car HR 03P 7241 got it insured from OP/respondent for a period of one year from 18.1.2013 to 17.1.2014. Car met with an accident on 24.10.2013. FIR was lodged and Complainant got his car repaired. Complainant submitted claim to OP which was repudiated on the ground that at the time of accident, complainant was not holding valid and effective driving licence. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP resisted complaint and submitted that complainant's licence was valid only upto 29.5.2013 and he was not holding valid driving licence at the time of accident, claim was rightly repudiated and prayed for dismissal of complaint. Learned District forum dismissed complaint. Appeal filed by complainant was dismissed by learned State Commission vide impugned order against which, this revision petition has been filed.

3. Heard learned Counsel for the petitioner and perused record.

4. Learned Counsel for the petitioner submitted that, though, driving licence expired, but it was renewed from back date. Learned District Forum committed error in dismissing complaint and learned State Commission further committed error in dismissing appeal; hence, revision petition be admitted.

5. Perusal of record reveals that complainant's driving licence was valid upto 29.5.2013 whereas accident occurred on 24.10.2013. Petitioner has placed renewed driving licence valid upto 30.6.2018, but it nowhere mentions that it has been revalidated from the date of expiry, i.e., 29.5.2013 and in such circumstances, it cannot be presumed that licence was revalidated retrospectively from 29.5.2013. When complainant was not possessing valid driving licence on the date of accident, OP has not committed any error in repudiating claim for want of effective valid driving licence.

6. Learned Counsel for the petitioner placed reliance on judgment of Hon'ble Apex Court in SLP (C) No.9027/2003 – National Insurance Co. Ltd. Vs. Swaran Singh & Ors. in which it was observed that mere absence, fake or invalid driving licence are not themselves defences available to the insurer against either the insured or the third party. This citation is not applicable to the case in hand because this pertains to damage of vehicle whereas aforesaid judgment pertains to liability towards third parties.

7. I do not find any illegality, irregularity or jurisdiction error in in the impugned order and revision petition is liable to be dismissed at admission stage.

8. Consequently, revision petition filed by the petitioner is dismissed at admission stage with no order as to costs.

.....J
K.S. CHAUDHARI
PRESIDING MEMBER