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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.591/2006

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Date of decision: 4th September, 2009

M/S UNITED INDIA INSURANCE CO. Appellant
Through : Mr. K.L. Nandwani, Adv.

versus

CHANDU RAM & ORS. Respondents
Through : None.

**CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA**

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| 1. Whether Reporters of Local papers may be allowed to see the Judgment? | | Not Necessary |
| 2. To be referred to the Reporter or not? | | |
| 3. Whether the judgment should be reported in the Digest? | | |

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.3,81,000/- has been awarded to the respondents.

2. The accident dated 30th June, 2001 resulted in the death of Puran Chand. The deceased was survived by his parents, sister and brother who filed the claim petition before the learned Tribunal.

3. The appellant has challenged the award of the learned Tribunal on the ground that the driver of the three wheeler (Vikram) was not holding a valid driving licence.

4. The learned Tribunal has recorded in para-10 of the award

that the appellant did not lead any evidence to prove the breach of policy by the owner of the offending vehicle.

5. The owner of the three wheeler (Vikram) appeared as RW1. The driver of the offending vehicle appeared as RW2 and proved the driving licence Ex.RW2/1. The said licence was issued in respect of Light Motor Vehicle (NT).

6. The Light Motor Vehicle is defined under Section 2(21) of the Motor Vehicles Act. According to the definition, Light Motor Vehicle means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road – roller the unladen weight of any of which, does not exceed 7,500 kilograms.

7. The definition of the Light Motor Vehicle includes a transport vehicle and, therefore, the driver of the offending vehicle was holding a valid driving licence to drive the vehicle in question.

8. Even otherwise, the appellant did not lead any evidence from the Road Transport Authority to prove that the driver of the offending vehicle was not competent to drive the three wheeler (Vikram).

9. The driver and owner have not been impleaded in this appeal and, therefore, there cannot be any determination against the owner and driver in this appeal.

10. For all the aforesaid reasons, the appeal is dismissed.

11. All pending applications also stand dismissed.

SEPTEMBER 04, 2009/mk

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J.R. MIDHA, J

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