

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 976 of 1996

Appellant :- Smt. Sona Gupta And Anr.

Respondent :- Jokhu Singh And Ors.

Counsel for Appellant :- Kartikeya Saran,

Counsel for Respondent :- S.K. Singh, Prabhu Narain
Srivastava, Suresh Srivastava, Vinod Kumar Singh (Senior Adv.)

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the appellant and learned counsel for the respondents.

2. The present appeal has been filed by the appellant against the award dated 14.10.1996 passed by Motor Accident Claims Tribunal/Additional District Judge, Mirzapur in M.A.C.P. No.2 of 1993.

3. Challenging the said award, learned counsel for the appellant has contended that in the instant case, the driver of the offending truck bearing registration no.M.V.A.-4234 was holding a valid driving licence, inasmuch as though the driving licence has expired on 25.05.1992 but it was renewed subsequently w.e.f. 24.11.1992. Accordingly, it is submitted that the renewal of the driving licence would relate back to the date of expiry of driving licence, therefore, the finding of the Tribunal on the issue of driving licence against the appellant is illegal and based upon misappropriation of law.

4. Per contra, learned counsel for the respondents would contend that admittedly the driving licence of the offending vehicle expired on 25.05.1992 and it was renewed w.e.f. 24.11.1992. It is

submitted that if the application for renewal is filed within 30 days from the date of expiry of driving licence, only then the renewal of the driving licence would relate back to the date of expiry. But in the instant case, application for renewal was not filed within 30 days from the date of expiry of driving licence, thus, it is contended that the finding of the Tribunal on the issue of driving licence is based upon proper appreciation of facts and evidence on record. In support of his contention, learned counsel for the respondents has placed reliance upon the judgement of the Apex Court in the case of **Ishwar Chandra & Ors. Vs. The Oriental Insurance Company Ltd. & Ors. 2008 1 SCC (Cri) 591.**

5. Be that as it may, admittedly, the driving licence was expired on 25.05.1992 and was renewed w.ef. 24.11.1992. The accident had taken place on 22.10.1992. There is nothing on record to indicate that the application for renewal was filed within 30 days from the date of expiry of driving licence. In such view of the fact, the renewal of driving licence would not relate back to the expiry of driving licence.

6. Since, the controversy involved in the present case is concluded by the judgement of the Apex Court in the case of **Ishwar Chandra (supra)**, therefore, the submission advanced by the learned counsel for the appellant is misconceived and is liable to be rejected.

7. Thus, for the reasons given above, the appeal lacks merit and is, accordingly, **dismissed** with no order as to costs.

Order Date :- 16.11.2023

NS