



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 10TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MRS JUSTICE GEETHA K.B.

MISCELLANEOUS FIRST APPEAL NO. 100954 OF 2014 (MV-I)

BETWEEN:

THE BRANCH MANAGER
NATIONAL INSURANCE CO. LTD.,
MELLIGERI COMPLEX, BAGALKOT,
REPRESENTED BY DEPUTY MANAGER,
NATIONAL INSURANCE CO. LTD.,
REGIONAL OFFICE, 2ND FLOOR,
ARIHANT PLAZA, KESUGAL ROAD,
KESHWAPUR HUBLI.

...APPELLANT

(BY SRI. M.K. SOUDAGAR, ADVOCATE)

AND:

1. SANGAWWA W/O. DANAPPA GUNDALI
AGE: 42 YEARS, OCC: COOLIE,
R/O: MUDENUR,
TALUK: RAMDURGA, DIST: BELGAUM.
2. BHIMAPPA LAKKAPPA SINGADI
AGE: 51 YEARS, OCC: EX-ARMY,
R/O: MUDENUR,
TALUK: RAMDURG, DIST: BELGAUM.

...RESPONDENTS

(R1 AND R2 ARE SERVED AND UNREPRESENTED)

THIS MFA IS FILED U/SEC.173(1) OF MV ACT 1988, PRAYING THAT, THE JUDGMENT AND AWARD DATED:12.12.2013, PASSED IN MVC.NO.516/2012 ON THE FILE OF THE MEMBER, MACT-II, BAGALKOT, BY ALLOWING THIS APPEAL WITH COST AND GRANT SUCH OTHER OR FUTURE RELIEFS AS THIS COURT DEEMS FIT TO GRANT IN THE FACTS AND CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.



THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

ORAL JUDGMENT

(PER: THE HON'BLE MRS JUSTICE GEETHA K.B.)

This appeal is filed by the insurance company under Section 173(1) of the Motor Vehicles Act, 1988, against the judgment and award, dated 12.12.2013 passed in M.V.C. No.516/2012 by the Motor Accident Claims Tribunal-II, Bagalkot hereinafter referred to as ('the Tribunal') challenging the liability of the insurer.

2. Parties would be referred with their rank, as they were before the Tribunal, for the sake of convenience and clarity.

3. In MVC No.516/2012, compensation was claimed in respect of the accident that has taken place on 25.04.2012 when the claimant was proceeding in 407 passenger vehicle bearing registration No.KA-22/A-5332 from Yaragatti to Shivapur village at Yaragatti-Gokak PWD



road at about 23.30 hours and sustained fracture and other injuries.

4. On service of notice, respondent No.1-owner of 407 passenger vehicle bearing Reg.No.KA.22-A.5332 appeared through his counsel and filed his objection statement, wherein he denied the petition averments in toto and further contended that his vehicle was duly insured with respondent No.2 and thus, prayed for dismissal of the petition.

5. On service of notice, respondent No.2-Insurance Company has denied all the averments in toto, except admitting the validity of insurance to the offending vehicle and further taken defence that there was no valid driving licence to the driver of the vehicle as on the date of accident to drive 407 passenger vehicle. Hence, there was violation of provision of M.V. Act. Hence, prayed for dismissal of the claim petitions.



6. After recording evidence of both sides and hearing arguments of both sides, in this case and in other two cases arising out of same accident, the Tribunal has passed the common judgment awarding compensation of Rs.16,000/- to the claimant by the Tribunal. In this common judgment, there was a finding that the driver of the vehicle was having licence as on the date of accident and thus saddled liability on the insurer in all the three cases.

7. Aggrieved by the same, the appellant/insurer has preferred this appeal.

8. Respondents have not appeared even after service of notice.

9. Learned counsel Sri M.K. Soudagr for appellant would submit that the liability saddled on the appellant by the Tribunal is not proper, as there was no valid license to the driver as on the date of accident and it was suspended in that particular period. However, the Tribunal has not



assessed in proper manner and allowed the claim petition and hence, prayed for allowing the appeal.

10. Having heard the learned counsel Sri M.K. Soudagr for the appellant and perusal of records, the only point that would arise for consideration is, *whether the saddling liability on the insurer by the Tribunal is proper??*

11. Answer to the above point would be in the "affirmative" for the following reasons:

12. The insurer has taken contention at the time of cross-examination of witnesses and at the time of leading evidence that the driver of the vehicle was not having valid driving licence and his licence was suspended as on the date of the.

13. It is a fact that the driver was driving 407 Tata motor vehicle and its weight was only 5300 Kgs. as per the admission of R.W.1 and as per the RC book of the vehicle. Admittedly, the driver of the 407 vehicle was having valid



DL to run LMV, which includes 407 vehicle, as its weight was only 5,300 KGs.

14. The Hon'ble Apex Court in the case of ***Mukund Dewangan Vs. Oriental Insurance Co. Ltd.*** reported in ***2017 ACJ 2011***, has clarified this point that the person who was having licence to drive LMV is also having capacity to drive the light motor transport vehicle provided its weight shall be less than 7500 kgs. and does not exclude transport vehicle. It reads as follows:

"Motor Vehicles Act, 1988, section 2 (21) read with sections 2 (15) and 2 (48) Light motor vehicle-Whether a 'light motor vehicle' as defined in section 2 (21) would include a transport vehicle as per the weight prescribed in section 2 (21) read with sections 2 (15) and 2 (48)-Held: yes; such transport vehicles are not excluded by virtue of Amendment Act 54 of 1994.

[Para 46 (1)]

Motor Vehicles Act, 1988, section 10 (2) (e)-Transport vehicle-Whether expression 'transport vehicle' as substituted in section 10 (2) (e) by virtue of Act 54 of 1994 w.e.f. 14.11.1994 relates to medium goods vehicle, medium passenger motor vehicle, heavy goods vehicle and heavy passenger motor vehicle as per section 10 (2) (e) to (h) [prior to amendment of 1994] of Motor Vehicles Act, 1988-Held: yes; it does not exclude transport vehicle from purview of section 10 (2) (d) and section 2 (21) of the Act.



[Para 46 (iii)]

Motor Vehicles Act, 1988, section 3 and Central Motor Vehicles Rules, 1989 rule 14(1) read with Form 4-Driving licence-Light motor vehicle Insertion of expression 'transport vehicle' in Form 4 w.e.f. 28.3.2001 relates only to medium goods vehicle, medium passenger motor vehicle, heavy goods vehicle and heavy passenger motor vehicle which were substituted as transport vehicle in 1994-Whether procedure to obtain driving licence for transport vehicle of class of light motor vehicle continues to be the same and has not been changed-Held: yes; driver holding licence to drive light motor vehicle can drive transport vehicle of that class without any endorsement to that effect.

[Para 46 (iv)]

Interpretation of statutes-While interpreting a legislative provision, intention of the legislature, motive and philosophy of the relevant provisions, goals to be achieved by enacting the same, have to be taken into consideration-Interpretation which makes the textual interpretation match the contextual is the best-Correct interpretation is one that best harmonises the words with object of the statute-Court cannot supply casus omissus."

(Paras 24, 26, 29)

15. Relying on the above said judgment, the licence holding by the driver was LMV and he was having valid licence to drive the vehicle having laden weight of 7500 kgs. or less than that. In the instant case, the driver was holding licence to drive the Tata 407 passenger vehicle weight of which was only 5300 Kgs. which comes within



7500 kgs. In this regard, the DL produced by the driver is also relevant to note that he was having valid driving licence from 20.01.1998 till 19.01.2018 i.e. as on the date of accident, he was having valid driving licence.

16. The contention of respondent-insurer that it was suspended holds no water and proper reasons are assigned by the Tribunal for it, which needs no interference from this Court. Hence, saddling liability upon the insurer by the Tribunal is proper. Accordingly, the point under consideration is answered in "affirmative" and proceed to pass the following:

ORDER

The appeal is hereby ***dismissed***

**Sd/-
(GEETHA K.B.)
JUDGE**

VMB
CT-CMU
LIST NO.: 1 SL NO.: 13