

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

FAO (MV) No. 274 of 2015

Reserved on: 07.07.2026

Date of decision: 14.07.2026

Date of uploading on the website: 14 .07.2026

Ajaib Singh

.....Appellant

Versus

Som Nath & Ors.

.....Respondents

Coram

The Hon'ble Mr. Justice Sushil Kukreja, Judge.

¹ *Whether approved for reporting?*

For the appellant:

Mr. Vishwas Kaushal, Advocate,
vice Mr. Vivek Negi, Advocate.

For the respondents:

Respondents No. 1 & 2 ex
parte.

Mr. Chandan Goel, Advocate,
for respondent No. 3.

Sushil Kukreja, Judge.

The instant appeal has been maintained by appellant, who was respondent No. 2 before the Motor Accidents Claims Tribunal, Una, District Una, H.P., (hereinafter referred to as “the learned Tribunal”) under Section 173 of the Motor Vehicles Act, 1988 (for short ‘the Act’) against impugned award, dated 30.04.2015, passed by

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

the learned Tribunal, whereby MAC Petition No. 20 of 2012, filed by the petitioner was allowed against respondent No. 2 with costs and the petitioner was awarded a sum of Rs. 4,06,200/- as compensation alongwith interest @ 7.5% per annum from the date of filing of the petition till the payment of award amount, with a prayer to allow the present appeal by setting aside the impugned award.

2. The brief facts of the case are that on 19.09.2011, the petitioner was on way to his home on his motorcycle bearing registration No. PB-54-B-0463. Around 12:30 A.M., when the petitioner reached at Village Kamlu, a truck, bearing registration No. HP-12D-3164, being driven by respondent No. 1, came from backside in a high speed and hit the motorcycle of the petitioner, as a result of which, the petitioner fell down on the road and sustained multiple grievous injuries on his person, including fracture of ankle and lower part of his left leg. The truck dragged the motorcycle upto some distance, due to which motorcycle was also damaged. After the aforesaid accident, the petitioner was taken to CHC Nadaun, wherefrom he was referred to RPGMC, Kangra at Tanda for further treatment.

According to the petitioner, at the time of accident, he was working as driver and was earning monthly income of Rs. 10,000/-. On the basis of these submissions, the petitioner filed the claim petition under Section 166 of MV Act seeking compensation in the sum of Rs. 10,00,000/-.

3. Respondent No. 1, driver of the truck, contested the petition by filing reply, wherein, it has been stated that no accident took place with his truck and a false case has been registered by the petitioner in connivance with his brother. It has been further stated that the petitioner himself was driving the motorcycle in a rash and negligent manner, which resulted into the accident.

4. Respondent No. 2, the owner of the truck, in his reply denied the allegations made in the petition and stated that no accident took place with the vehicle in question. The respondent No. 1, on humanitarian ground took the injured, who was already lying unconscious on the road to the hospital in his vehicle and the police had falsely involved respondents No. 1 & 2 in this case.

5. Respondent No. 3/Insurance Company also

contested the petition, raising preliminary objections qua the driver of the truck in question having no effective and valid driving licence to drive the same at the relevant time, the vehicle being plied in violation of the terms and conditions of the Insurance Policy, petitioner did not approach the Court with clean hands, contributory negligence and non-joinder of necessary parties. On merits, all the averments made in the petition have been denied.

6. On 09.05.2014, the learned Tribunal below had framed the following issues for consideration and adjudication:

- “1. Whether on 19.9.2011 respondent No. 1, had driven Truck No. PB-12-D-3164 rashly or negligently at Village Karmali and hit the motorcycle No. PB-54-B-0463 driven by petitioner as a result of which he fell and suffered fracture as alleged? OPP**
- 2. Whether the petitioner is entitled to compensation, if so, to what extent and from whom? OPP**
- 3. Whether truck No. HP-12B-3164 was insured with respondent No. 3, as such compensation, if any, to be awarded, is to be indemnified by respondent No. 3, as alleged ? OPR 1 & 2**
- 4. Whether the petition is not maintainable against respondent No. 3, as respondent No. 1 was not having valid and effective driving licence at the time of accident? OPR**
- 5. Relief.”**

7. After the parties led evidence and after hearing the learned Counsel for the parties, the petition was allowed against respondent No. 2 with costs and the petitioner was awarded a sum of Rs. 4,06,200/- as compensation alongwith interest @ 7.5% per annum from the date of filing of the petition till the payment of award amount.

8. Feeling aggrieved and dissatisfied, the appellant preferred the instant appeal against the impugned award dated 30.04.2015 for setting aside the same.

9. The Id. counsel for the appellant contended that the Tribunal below has wrongly appreciated the oral as well as documentary evidence available on record. He further contended that the learned Tribunal below erred in absolving the insurer on the ground that the driver was not holding the licence to drive the heavy goods vehicle. The Insurer cannot disown its liability on the ground that though the driver was having valid licence to drive 'Transport Vehicle', but for driving a truck, the driver was required to get the endorsement of heavy goods vehicle.

10. Conversely, the learned counsel for respondents

supported the impugned award and prayed for dismissal of the instant appeal.

11. I have heard the learned counsel for the appellant, learned counsel for respondents and have carefully examined the entire records.

12. Now the question which arises for consideration before this Court is that as to whether the driver of the offending truck bearing registration No. HP-12D-3164 was having a valid and effective driving licence at the time of the accident or not.

13. The perusal of record reveals that the vehicle involved in the accident is a heavy goods vehicle, the registration certificate whereof has been produced on record as Mark BB. The perusal of registration certificate of the offending vehicle shows that its laden weight is 16200 Kg and category of the same is heavy goods vehicle. The driving licence of respondent No. 1 has been produced on record, the perusal whereof shows that it has been issued to drive motorcycle with gear, light motor vehicle as well as transport vehicle. However, there is no endorsement on this

licence that the driver was authorized to drive heavy goods vehicle. Learned counsel for the appellant contended that since there is an endorsement on licence to drive 'Transport Vehicle' as such the Insurer cannot disown its liability on the ground that for driving a truck, the driver was required to get separate endorsement to drive heavy goods vehicle. However, this contention of learned counsel for the appellant is devoid of any force, as mere authorization to drive a transport vehicle without endorsement on it to drive a heavy goods vehicle will not authorize the driver to drive truck in question, which is admittedly a heavy goods vehicle.

14. In ***Bajaj Alliance General Insurance Company Limited vs. Rambha Devi & others, (2025) 3 SCC 95***, it has been held by the Hon'ble Apex Court that holders of the Light Motor Vehicle Licences (LMV) can drive Transport Vehicles weighing under 7500 kg. However, the additional eligibility criteria specified in the MV Act and MV Rules generally for driving 'transport vehicles' would apply to the vehicles with gross vehicle weight exceeding 7,500 kg i.e. 'medium goods vehicle', 'medium passenger vehicle', 'heavy goods vehicle'

and 'heavy passenger vehicle'. Relevant portion of the aforesaid judgment reads as under

"181. Our conclusions following the above discussion are as under:-

.....

181.1 A driver holding a license for Light Motor Vehicle (LMV) class, under Section 10(2)(d) for vehicles with a gross vehicle weight under 7,500 kg, is permitted to operate a 'Transport Vehicle' without needing additional authorization under Section 10(2)(e) of the MV Act specifically for the 'Transport Vehicle' class. For licensing purposes, LMVs and Transport Vehicles are not entirely separate classes. An overlap exists between the two. The special eligibility requirements will however continue to apply for, inter alia, e-carts, e-rickshaws, and vehicles carrying hazardous goods.

181.2 The second part of Section 3(1), which emphasizes the necessity of a specific requirement to drive a 'Transport Vehicle,' does not supersede the definition of LMV provided in Section 2(21) of the MV Act.

181.3 The additional eligibility criteria specified in the MV Act and MV Rules generally for driving 'transport vehicles' would apply only to those intending to operate vehicles with gross vehicle weight exceeding 7,500 kg i.e. 'medium goods vehicle', 'medium passenger vehicle', 'heavy goods vehicle' and 'heavy passenger vehicle'.

181.4 The decision in Mukund Dewangan (2017) is upheld but for reasons as explained by us in this judgment. In the absence of any obtrusive omission, the decision is not per incuriam, even if certain provisions of the MV Act and MV Rules were not considered in the said judgment."

15. Hence, in view of the aforesaid judgment, in the case on hand, since the vehicle involved in the accident was heavy goods vehicle and there is no separate endorsement

on the licence that the driver was authorized to drive heavy goods vehicle at the relevant time, the Id. Tribunal below did not commit any illegality by absolving the insurer and fastening liability on the owner of the truck in question

16. Therefore, in view of my aforesaid discussion, this Court does not find any infirmity and illegality in the award passed by the learned Tribunal below. The appeal filed by the appellant being devoid of any merit is dismissed and the impugned award dated 30.04.2015 is upheld.

17. No other point was urged before me.

18. Accordingly, the appeal is disposed of, so also pending application(s), if any.

(Sushil Kukreja)
Judge

14th July, 2026
(raman)