

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 19TH DAY OF AUGUST 2015/28TH SRAVANA, 1937

WP(C).No. 16070 of 2015 (G)

PETITIONER(S):

**THULASIDHARAN, AGED 59 YEARS,
S/O.JANARDHANA, AMURTHA NIVAS, KUNNUMEL,
KELEMANOOR THIRUVANANTHAPURAM.**

**BY ADVS.SRI.V.G.ARUN (K/795/2004)
SRI.ANOOP BHASKAR**

RESPONDENT(S):
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- 1. UNITED INSURANCE COMPANY LTD.,
24 WHITE ROAD, CHENNAI- 600 014,
REPRESENTED BY ITS GENERAL MANAGER.**
- 2. UNITED INDIA INSURANCE COMPANY LTD, BRANCH OFFICE
ATTINGAL - REPRESENTED BY ITS BRANCH MANGER**

BY ADV. SRI.P.K.MANOJKUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 16070 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

**P1-THE TRUE COPY OF THE CERTIFICATE OF REGISTRATION OF CAR BEARING
REGISTRATION NO.KL-01 - BP-5282.**

P2- THE TRUE COPY OF THE DRIVERS LICENSE NO.16/8018/1990.

**P3- THE TRUE COPY OF INSURANCE CERTIFICATE BEARING NUMBER
1004023114P111686750.**

**P4- THE TRUE COPY OF GENERAL DIARY EXTRACT OF VENJARAMOODU POLICE
STATION DATED 20.4.2015.**

P5- THE TRUE COPY OF THE ESTIMATE ISSUED BY PATEL CARS (PVT LTD).

**P6- THE TRUE COPY OF THE LETTER DATED 22.5.2015 ISSUED BY THE
2ND RESPONDENT**

RESPONDENT(S)' ANNEXURES:

**ANNEXURE A1: THE PHOTOSTAT COPY OF THE REQUEST NO.UIIC 100400
AGENTS:1405 DTD.14.5.2015 ISSUED BY THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED, HEAD OFFICE 24,
WHITES ROAD, CHENNAI, TO THE REGIONAL TRANSPORT OFFICER,
ATTINGAL.**

**ANNEXURE A2: THE PHOTOSTAT COPY OF THE REPLY NO.G3/1779/AII/2015
DTD.16.6.2015, ISSUED BY THE SENIOR SUPERINTENDENT, TO THE
BRANCH MANAGER, UNITED INDIA INSURANCE COMPANY LIMITED,
BRANCH OFFICE, ATTINGAL.**

//TRUE COPY//

P.A.TO JUDGE.

Msv/

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.16070 of 2015

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Dated this the 19th day of August, 2015

JUDGMENT

The petitioner has come up before this Court aggrieved by the rejection of his claim for own damages for his vehicle insured with the respondent insurance company for the reason that he was not having any effective valid driving licence to drive Light Motor Vehicle (LMV) on the date of the accident. According to the petitioner, though he was not having a licence, he was holding a licence to drive heavy vehicles only.

2. Today when the matter came up for hearing, the learned counsel for the respondent insurance company submitted that they are ready to consider the petitioner's claim *de hors* the objection now taken and shall pass final orders within one month from today and release the admissible amount.

3. The rejection of the petitioner's claim was on the ground that the petitioner was having a licence to drive heavy vehicles only. It is crucial to note that as per rule, licence to drive heavy vehicles would be granted only after the lapse of a particular period from the date of issue of a licence to drive LMV to the holder. Therefore, the possession of licence to drive heavy vehicle

presupposes the existence of a driving licence to drive LMV vehicles. Moreover, the undertaking given by the respondent itself would indicate that the petitioner was having effective driving licence on the date of the accident.

However, in the light of the undertaking given by the respondents, the writ petition is closed.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj