IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.314 of 2012 (O&M)
Date of decision: 30.07.2015

Bajaj Allianz General Insurance Company Limited

….Appellant

Versus

Balwinder Kaur and others

….Respondents

CORAM: HON'BLE MR. JUSTICE K.C. PURI.

Present: Mr. Nitin Mittal, Advocate
for Mr. Subhash Goyal, Advocate
for the appellants.

Mr. S.M. Sharma, Advocate
for respondents No.1 to 4.

Mr. Raj Kumar Gupta, Advocate
for respondents No.5 and 6.

K.C. PURI J. (Oral)

This is an appeal directed by Bajaj Allianz General Insurance Company Limited against the award dated 23.04.2011, passed by Sh. Balwinder Singh Sandhu, Motor Accident Claims Tribunal, Jalandhar, vide which the claim petition preferred by the claimant was partly accepted.

Briefly stated, the case of the claimant is that Rajinder Singh was working as a car driver with M/s. Chand Enterprises, Chand Complex, Basti Sheikh, Model House Road, Jalandhar. On

06.10.2010, he along with his nephew Inderjit Singh were traveling on a motorcycle. He was driving and Inderjit Singh was the pillion rider. When they were going towards Gurdaspur on their left and correct side the motor vehicle make Tata 407 bearing registration No.PB-08-AB-9958 came from back side. It was being driven by respondent No.1-Pawan Kumar in a rash and negligent manner and struck from the backside of motorcycle of Rajinder Singh and Inderjit Singh due to which they fell down. Rajinder Singh died at the spot.

The learned Tribunal after adjudication partly accepted the claim petition and allowed a sum of Rs.9,40,000/-. The owner, driver and insurance company were held liable to pay the amount of compensation jointly and severally.

The insurance company has directed this appeal on the ground that the owner of the offending vehicle i.e. respondent No.1 was not holding a valid route permit.

Learned counsel for the insurance company has submitted that as per Section 66 of the Motor Vehicles Act, heavy transport vehicle requires necessary permit. It is further submitted that admittedly, there was no route permit with the owner of the offending vehicle and as such, there is violation of the terms and conditions of the policy and therefore, the insurance company is not liable to pay any compensation.

In reply to the abovesaid submissions, learned counsel for the owner of the offending vehicle has supported the award.

I have considered the submissions made by learned counsel for both the parties and have gone through the record of the case.

In order to properly appreciate the facts of the case relevant ***Section 66 (3) (i)**,* is reproduced as under:-

(a)	*X*	*X*	*X*	*X*
(b)	*X*	*X*	*X*	*X*
(c)	*X*	*X*	*X*	*X*
(d)	*X*	*X*	*X*	*X*
(e)	*X*	*X*	*X*	*X*
(f)	*X*	*X*	*X*	*X*
(g)	*X*	*X*	*X*	*X*
(h)	*X*	*X*	*X*	*X*
(i)	*to any goods vehicle, the gross vehicle weight of which does not exceed 3,000 Kgs.*			
(j)	*X*	*X*	*X*	*X*
(k)	*X*	*X*	*X*	*X*

So, from the bare perusal of Section 66 of the Motor Vehicles Act, it is revealed that in case the unlaiden weight is less than 3,000 Kgs., in that case, there is no requirement of permit. Learned counsel for the appellant could not cite any authority or other law on this point. As per record, the unlaiden weight of the vehicle was 2,980 Kgs. i.e. less than 3,000 Kgs.

So, in these circumstances, even according to Section 66 (3) of the Motor Vehicles Act, no route permit was required.

No other point has been raised before this Court. So, in view of the above discussion, the appeal is without any merits and the same stands dismissed with costs. The cost is assessed as Rs.10,000/- to be shared between the claimant and the owner i.e. respondent No.6, equally.

Appeal stands disposed of, accordingly.

A copy of this order be sent to the Tribunal for compliance.

(K.C. PURI)
JUDGE

30.07.2015
yakub