

831.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO No.6120 of 2011 (O&M)

Date of decision:08.02.2016

Oriental Insurance Company Limited

... Appellant

versus

Smt. Bimla Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Ashwani Talwar, Advocate,
for the appellant.

None for the respondents.

K.Kannan, J. (Oral)

1. A transport vehicle insured as such for a commercial purpose was driven by a person who was holding only a LMV licence. The transport vehicle requires an endorsement to that effect under Section 3 of the Motor Vehicles Act. Light motor vehicle licence cannot be treated as an effective driving licence to make the insurer liable. Right of recovery ought to have been granted to the insurer for violation of terms of policy and in the light of the decisions of the Supreme Court in **National Insurance Company Versus Prabhu Lal-2008 ACJ 267** and **Oriental Insurance Company Limited Versus Angad Kol and others-(2009) 11 SCC**

356.

2. The award providing a right of indemnity to the driver and owner is erroneous and it is set aside. The right of recovery is ordered against respondents 7 and 8 who are driver and owner respectively.

3. The appeal is allowed to the above extent.

(K.KANNAN)
JUDGE

08.02.2016
sanjeev