

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

FAO No. 5374 of 2012 (O&M)

Date of Decision: February 19, 2016

M/s Pallah Bus Service (Regd.)

...Appellant

Versus

National Insurance Company Limited and others

...Respondents

ORAM:- HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Rajinder Sharma, Advocate,
for the appellant.

Mr. Gaurav Gupta, Advocate,
for respondent No.1.

K. KANNAN, J. (Oral)

1. The appeal is on the issue of liability by the owner who has been mulcted with liability for recovery to be made by the insurer. Admittedly, a vehicle which was involved in the accident was a transport vehicle with transport vehicle endorsement under Section 3 of the Motor Vehicle Act. The driver had a driving licence to drive a motor-cycle and light motor vehicle by a licence issued on 7.6.2009. After the accident had taken place on 18.3.2010, the driver obtained a transport vehicle endorsement on 13.4.2010, which was made valid upto 16.6.2012. The driver believed that since he had obtained a transport vehicle endorsement on 13.4.2010, it will become valid for 30 days prior to the date of issuance of the endorsement. His further belief was that since the licence which bore the endorsement on 13.4.2010 was made valid upto 16.6.2012, it must be understood that the original issue of light motor vehicle licence would get

automatically converted as transport vehicle by reference to Section 14 of the Motor Vehicle Act.

2. The learned counsel for the appellant argues with passion that if a proper reading of Section 14 of the Motor Vehicle Act is made, it would only reveal that transport vehicle licences are issued for three years. Consequently, if the licence was valid upto 16.6.2012, it will be read retrospectively to operate for a period of three years commencing from 2009. It is completely a convoluted understanding of the Motor Vehicle. The validity of the licence must be seen from the date of issue and not backwards. If the licence was issued in the year 2009 only for light motor vehicle and motor cycle, by the manner of securing an endorsement after the accident, it cannot validate a licence as available for a transport vehicle for a period prior to the endorsement. The only occasion when such retrospective action is possible is when the original issue was itself with a transport vehicle endorsement and the renewal was made within 30 days of the expiry. Such a situation does not arise in this case. The liability cast on the owner and the driver was perfectly justified and the appeal is wholly without any merit.

3. The appeal is dismissed.

February 19, 2016
prem

(K.KANNAN)
JUDGE