

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

F.A.O No.129 of 2016 (O&M)

Date of Decision : 03.02.2016

The New India Assurance Company Ltd.

..... Appellant

Versus

Gurmeet Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. L.M. Suri, Sr. Advocate
with Mr. Neeraj Khanna, Advocate
for the appellant.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This appeal has been filed by the insurance company against the award dated 17.10.2015 foisting liability on the insurance company alongwith driver and owner of the offending vehicle in a death case.

Learned senior counsel has argued that from a copy of the license placed on record it seem that the license to drive commercial vehicles was given with effect from a later date. As per him, the license was issued on 21.01.2009 but the authorization to drive Light Motor Vehicles/Goods Vehicles is w.e.f. 30.08.2012. However, he has candidly and fairly admitted that when that license was placed on record no explanation was sought as to how this date appeared.

To my mind, it is possible that this date could have been put subsequently after 3 years when that person went to get license for a Goods Vehicle. In the circumstances, in view of the admission that no opportunity was given to the driver to explain this, no fault can be found with the findings of the Tribunal holding the license to be valid.

The second argument of the learned senior counsel is that the driver was driving a Heavy Goods Vehicle which he was not competent to drive.

In my opinion, under Section 10 of the Motor Vehicles Act, there is no distinction between Heavy Goods Vehicle and Light Goods Vehicle and the only mention is made of transport vehicle in Section 10(2) (e) of the Motor Vehicles Act.

In the circumstances, the appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 03, 2016

ashish

**(AJAY TEWARI)
JUDGE**