IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

FAO No.5396 of 2014 (O&M)
Date of Decision: April 04, 2016

M/s Gian Chand Jasbir Singh

..........APPELLANT.

VERSUS

Narender Kumar and others

........RESPONDENTS.

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Munish Mittal, Advocate for the appellant.

Mr. Vinod Chaudhri, Advocate for respondent No.3.

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SURINDER GUPTA, J.

Heard.

This appeal has been filed by M/s Gian Chand Jasbir Singh through its partner Jasbir Singh, owner of vehicle TATA Ace bearing registration No.HR45-A-7613, against the award dated 5th April, 2014, passed by the Motor Accident Claims Tribunal, Karnal, wherein, recovery rights have been allowed to the Insurance Company to recover the amount of compensation paid to the claimants, from the appellant.

The facts of the case, in brief, are that on 13th June, 2012, vehicle TATA Ace met with an accident with motor cycle of the claimant-Narender Kumar, resulting in multiple injuries to the claimant. The Tribunal allowed the compensation of ₹50,000/- to the claimant with interest at the rate of 7.5% per annum, from the date of filing of the petition, till the realization of the entire compensation amount. The driver of the TATA Ace namely Rana Singh, respondent No.2 in this appeal, was having the driving licence to drive light motor vehicle (non-transport) and tractor only. He was not possessing any driving licence to drive the goods vehicle, as such, the Tribunal, considered the same as breach of the terms of insurance policy and allowed recovery rights to the Insurance Company.

Learned counsel for the appellant has argued that the driving licence for the light motor vehicle, authorizes the holder of the driving licnece to drive the transport vehicle as well, for which, he has referred to the definition of "light motor vehicle" provided in Section 2(21) of the Motor Vehicles Act, 1988.

Learned counsel for the Insurance Company has argued that the driver of TATA Ace was not authorized to drive the goods vehicle, as the driving licence given to him, specifically bar the driving of transport vehicle. For the driving of a transport vehicle, he was required to possess licence authorizing him to drive the commercial vehicle.

This fact is not disputed that driver of TATA Ace was not holding the driving licence to drive the transport or goods vehicle and TATA Ace, which he was driving at the time of accident, was the goods vehicle and the appellant was paying taxes for this vehicle, as is required for a transport vehicle. This fact is also not disputed that driving licence issued to the driver of this vehicle by the Licensing Authority, specifically bar him from driving the transport vehicle. When the driver of the insured vehicle is not having a valid driving licence, to drive a transport or goods vehicle, the Insurance Company may recover the amount paid to the claimant towards compensation from the owner by initiating proceedings before the executing court and the Tribunal, while allowing the recovery rights to the Insurance Company, has not committed any error of law or facts.

This appeal has not merits.

Dismissed.

(SURINDER GUPTA)
April 04 , 2016. **JUDGE**
deepak/jv