

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

FAO No. 8153 of 2014 (O&M)
Date of Decision: March 1, 2016

Lekh Raj and others

Versus

...Appellants

United India Insurance Company Limited and another

...Respondents

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

Present: Mr. BS Tewatia, Advocate,
for the appellants.

Mr. Pardeep Goyal, Advocate,
for the insurance company.

K. KANNAN, J. (Oral)

1. The appeal is by the owner and the driver, who have been denied the indemnity because the driver had light motor vehicle (LMV) licence. The tractor is a LMV, as defined under Section 2 (44) of the Motor Vehicles Act and Form 6 under the Central Motor Vehicle Acts provides for various categories of licences makes no special category as a tractor. If the driver had a LMV licence, it ought to be taken that he had an effective driving licence. The denial of full indemnity to the owner and the driver was clearly erroneous.

2. The award of the Tribunal in so far it exonerates the insurance company is set aside and the insurance company shall be liable for satisfying the claim of the claimants and shall also be liable to indemnify fully the owner and the driver. The appeal by the owner and the driver is allowed.

March 1, 2016
prem

(K.KANNAN)
JUDGE