

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

FAO No. 8509 of 2014 (O&M)

Date of decision: 18.02.2016

Shri Ram General Insurance Company Ltd.

... Appellant

versus

Smt. Mamta Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

■■■■

Present: Mr. Taiender K. Joshi, Advocate for the appellant.

Mr. Rakesh Bakshi, Advocate for respondent Nos. 1 to 3.

Mr. Arvinder Arora, Advocate for respondent No.5.

K.Kannan, J. (ORAL)

The appeal is on issue of liability. The attempt of the insurer was to show that the driver did not have the valid driving licence to drive the truck on 10.03.2013, since his driving licence contained endorsement only for LMV-GV-LTD and the HGV licence is issued on 02.01.2014 that is subsequent to the date of accident.

The transport vehicle licence which requires a special endorsement under Section 3 of the Motor Vehicles Act, is issued in Form 6 as per Rule No.4 of the Central Motor Vehicle Rules. After the amendment of the rule in the year 1999, the category of the vehicles as 'light motor goods vehicles' and 'heavy motor goods vehicles' have been discarded and they come under the single term 'transport vehicle'. If in the year 2012, even if there was a reference that it was a LMV transport vehicle licence, it must be taken as a licence to drive the transport vehicle. So considered, the driver must be taken as having a valid driving licence and liability cast on the insurer was, therefore, justified. The appeal by the insurer is dismissed.

(K.KANNAN)
JUDGE

18.02.2016

kv