

HIGH COURT OF CHHATTISGARH AT BILASPURMAC No.1622 of 2017

The Oriental Insurance Company Limited, Through its Divisional Manager, Divisional Office, Madina Building, Jail Road, Raipur, District Raipur (C.G.).

---Appellant

Versus

1. Smt.Anguri Devi Gupta Wd/o Late Matadeen Gupta, aged about 63 years, R/o Sanjay Nagar, Near Ring Road, Tikrapara, District Raipur (C.G.).....Claimant.
2. Khilawan Yadav S/o Shri Lalaram Yadav, aged about 25 years, At village Kuhkuha Ramnagar Para, P.S.Khurd, District Dhamtari (C.G.).....Driver.
3. Lalaram Yadav S/o Firantaram Yadav, At village Kuhkuha Ramnagar Para, P.S.Khurd, District Dhamtari (C.G.).....Owner.

---Respondents

For the appellant/Insurance Company : Shri R.N.Pusty, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/11/2017

1. Present is an appeal by the Insurance Company under Section 173 of the Motor Vehicles Act assailing the award dated 04/09/2017 passed by the learned Second Additional Motor Accident Claims Tribunal, Raipur (C.G.) in Motor Accident Claim Case No.203/2014. Vide the said impugned award, the Tribunal in an injury case under Section 166 of the Motor Vehicles Act has awarded a compensation of Rs.1,53,000/- with interest @ 9% per annum from the date of application.
2. The solitary ground of challenge is that, the driver of the offending vehicle was not having proper endorsement on his license to drive the

transport vehicle. According to the counsel for the appellant/Insurance Company, the vehicle involved in the accident was a Tata Magic, a transport vehicle bearing registration No. CG-05-D-0433. He further submits that, the driver of the offending vehicle had license to drive only the Light Motor Vehicle (MC-Motorcycle) and there was no endorsement permit him to drive the transport vehicle.

3. The issue raised by the counsel for the Insurance Company is no longer res-integra for the reason that, the Hon'ble Supreme Court in the recent larger bench decision in the case of **Mukund Dewangan Vs. Oriental Insurance Company Limited [AIR 2017 SC 3668]** have laid to rest the said issue and have held that, there would not be any requirement for endorsement for the category/class of the vehicle remains same.

4. Admittedly, in the instant case, the Tata Magic is a Light Motor Vehicle as per the Motor Vehicles Act and the driver had a license to drive the Light Motor Vehicle.

5. In view of the aforesaid decision of the Supreme Court this Court is of the opinion that, no any strong case has been made out for interference with the impugned award.

6. The appeal thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE

Sumit