

HON'BLE Dr.JUSTICE SHAMEEM AKTHER

MACMA No.333 of 2007

JUDGMENT:

Heard learned counsel for the parties and perused the record.

Learned counsel for the appellant contended that the driver of the vehicle involved in the crime was not possessing valid driving licence to drive the heavy goods vehicle and he was possessing only licence to drive heavy passenger vehicle and light motor vehicle. The same is demonstrated by marking Ex.B.2. It is a clear violation of the terms and conditions of the policy. In these circumstances, the Tribunal ought not to have directed the appellant to pay compensation and recover the same from the owner of the vehicle.

Admittedly, as per the records, Ex.B.2 is the copy of driving licence and the driver of the vehicle involved in the crime, who was possessing licence to drive heavy passenger vehicle and light motor vehicle. The vehicle involved in the crime is a heavy goods vehicle. As far as the mechanism of the vehicles, i.e., heavy goods vehicle and heavy passenger vehicle is concerned, it is almost the same. Merely because the driver is not possessing licence to drive heavy goods vehicle (vehicle involved in the crime) it cannot be said that no direction as indicated above would be given. Neither the respondents/claim petitioners nor the owner of the vehicle has challenged the order with regard to the recovery of compensation from the owner of the vehicle on being paid by the insurer of the vehicle. The Tribunal has rightly issued directions in terms of the

conditions of insurance policy marked as Ex.B.2. There is nothing to reverse the finding of the Tribunal. No infirmity is found in the order under appeal.

The appeal is accordingly dismissed. No order as to costs.

Miscellaneous petitions if any pending in the appeal stand closed.

Dr.SHAMEEM AKTHER, J

June 9, 2017
MRR

