

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

FAO-2436-2011 (O&M)
Date of decision: 08.11.2017

Kapil Goyal and another

.... Appellants

Versus

Krishan Lal and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Pankaj Jain, Advocate
for the appellants.

Mr. S.S.Sidhu, Advocate
for respondent No.7.

Avneesh Jhingan, J.

The present appeal has been filed against the award dated 14.02.2011 passed by Motor Accidents Claims Tribunal, Faridabad (hereinafter referred to as the 'Tribunal') .

The only issue raised in the present appeal is that whether the tractor is a transport vehicle or not?

The grievance of the appellant is that the Insurance Company has been exonerated from the payment of compensation on the ground that the tractor was a transport vehicle therefore it would be requiring permit.

Learned counsel for the appellant has placed reliance upon on the Central Motor Vehicles Rules, 1989, Rule 2(b) and 2(c). He also relies upon two decisions of this Court in **Jaidev and others vs. M/s Bajaj Allianz General Insurance Company and another, 2016(2) PLR 43 and United**

India Insurance Company Ltd. vs. Surinder and others, 2004(4) R.C.R. (Civil) 211.

On the other hand, learned counsel for the respondent defended the award by stating that the appellant himself had produced the permit before the Tribunal, therefore, no question of raising this issue in appeal.

There is no dispute on the other facts by either of the parties. There is a latest decision of the Hon'ble Apex Court in **Sant Lal versus Rajesh and others, 2017 AIR SC, 4054**, wherein it has been held as under :-

“4. We have answered the question that driver having licence to drive light motor vehicle can drive such a transport vehicle of LMV class and there is no necessity to obtain separate endorsement, since tractor attached with the trolley was transport vehicle of the category of light motor vehicle. Hence, there was no breach of the conditions of the policy.”

Further, learned counsel for the appellants states that Ex.R3 has been wrongly mentioned as permit in para 23 of the award, actually it was insurance policy.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal only with regard to the above mentioned issue. Tribunal shall decide the same in accordance with law after taking into consideration the material placed before it.

Both the parties are directed to appear before the Tribunal on
22.12.2017.

The appeal stands disposed of.

(AVNEESH JHINGAN)
JUDGE

08.11.2017

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Note:

1. Whether the order is speaking/reasoned: Yes/No

2. Whether the order is reportable : Yes/No