

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

FAO No.3860 of 2012 (O&M)

Date of decision: 01.09.2017

The New India Assurance Company Ltd.

...Appellant

Versus

Hira Singh and others

...Respondents

FAO No.3861 of 2012 (O&M)

Date of decision: 01.09.2017

The New India Assurance Company Ltd.

...Appellant

Versus

Hira Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Rajesh K. Sharma, Advocate
for the appellant.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO No.3860 and 3861 of 2012 emerging out of the same award dated 04.04.2012 passed by the Motor Accidents Claims Tribunal, Chandigarh (herein referred as 'the Tribunal') as common questions of law and facts are involved for adjudication.

Counsel for the appellant has fairly informed that the appeals are preferred by the insurance company to assail findings of the tribunal on issue No.3 whereby it was held that driver of the alleged offending vehicle three wheeler No.CH-03-P-9829 was holding a valid driving licence,

therefore, the insured is not guilty of committing breach of the terms and conditions of the contract of insurance.

I have heard counsel for the appellant, perused the paper book particularly findings of the tribunal on issue No.3.

The driver of the offending vehicle was possessing a licence to drive light motor vehicle. Counsel has not disputed that laden weight of the vehicle in question was only 4500 kgs., therefore, it would fall within the definition of light motor vehicle prescribed under Section 2(21) of the Motor Vehicles Act, 1988.

Hon'ble the Supreme Court of India in the latest pronouncement **Mukund Dewangan vs. Oriental Insurance Company Limited 2017(7) Scale 731** has held quoted thus:-

“A transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kg. would be a light motor vehicle and also motor car or tractor or a road roller, 'unladen weight' of which does not exceed 7500 kg. and holder of a driving licence to drive class of “light motor vehicle” as provided in section 10(2)(d) is competent to drive a transport vehicle or omnibus, the gross vehicle weight of which does not exceed 7500 kg. or a motor car or tractor or road-roller, the “unladen weight” of which does not exceed 7500 kg. That is to say, no separate endorsement on the licence is required to drive a transport vehicle of light motor vehicle class as

enumerated above. A licence issued under Section 10(2)(d) continues to be valid after Amendment Act 54/1994 and 28.3.2001 in the form.”

Counsel for the appellant, in view of enunciation laid down in the latest judgment, is not in a position to point out any error much less infirmity in findings of the tribunal warranting intervention by this Court.

No other point has been raised.

For the foregoing reasons, the appeals fail and are accordingly dismissed.

01.09.2017

Paramjit Kaur/ashok

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned:	Yes / No
Whether reportable:	Yes / No