

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

FAO No. 1161 of 2016 (O&M)

Date of Decision:- 28.11.2017

Rajnish Vohra

....Appellant

Versus

Future General Insurance Co. Ltd. & Ors.

...Respondents

CORAM: HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present: Mr. Gurpreet Singh, Advocate, for the appellant.

Mr. Sanjeev Kodan, Advocate, for respondent No.1.

AVNEESH JHINGAN, J. (Oral)

The only issue raised in the present appeal is that the insurance company was given recovery rights as the driver of the offending tractor was having a driving license to drive the tractor and there was no endorsement to drive goods/transport/commercial vehicle.

The facts have not been disputed by either of the parties.

Learned counsel for the appellant relies upon the decision of Hon'ble Apex Court in **Mukand Dewengum Vs. Oriental Insurance Co. Limited, 2016(4) SCC 298.**

Learned counsel for the insurance company argued that Manoj Kumar driving license clerk in the SDM office Naraingarh deposed as RW-1 and has stated that the driver was not authorised to drive goods/transport/commercial vehicle for which separate endorsement is required. Learned counsel for the insurance company could not dispute the fact that the driver was possessing a valid driving license for driving a tractor.

The only dispute is that since the trolley was attached to the tractor, it was a transport vehicle and hence a separate endorsement was

required.

The issue raised is no longer *res integra* and is squarely covered by the decision of the Hon'ble Apex Court in case of **Mukand Dewengum** (Supra).

The Hon'ble Apex Court in the latest decision of **Santlal Vs. Rajesh and Ors. 2017 AIR SC 4054** following its earlier decision in the **Mukand Dewengum** (Supra), has held that no separate endorsement is required for driving the goods/transport/commercial vehicle of the same class for which there is a valid driving license. It has further been held that the tractor attached with the trolley was a transport vehicle of a category under Light Motor Vehicle and there was no breach of condition of policy as there was a valid license for driving the tractor.

In view of law laid down by the Hon'ble Supreme Court, the appeal is allowed.

November 28, 2017
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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No