

In the High Court of Punjab & Haryana at Chandigarh.

FAO-2673-2015

Date of decision: 04.12.2017

UNITED INDIA INSURANCE COMPANY LTD

..... Petitioners.

VS.

DHARAMPAL AND ORS

..... Respondents.

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

Mr. Navneet Jindal, Advocate for
Mr. S.K.Mahajan, Advocate
for respondent No.3.

AVNEESH JHINGAN,J.(ORAL)

In the present appeal, the legal issue is that whether the license valid for driving Light Motor Vehicle (LMV) would be a valid license to drive a Bolero jeep vehicle or not.

On 12.10.2013, there was a motor vehicular accident involving a motorcycle bearing registration No. HR-20E/4653 and rashly and negligently driven Bolero jeep bearing registration No. HR-39B/1412. As a result of the accident, Dharampal suffered grievous injuries. He was shifted to Jindal Hospital, Hisar. FIR No. 1110 dated 12.10.2013 was registered at Police Station Sadar Hisar.

A claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') was filed.

The Tribunal after appreciating the evidence brought on record and considering the submissions made, awarded a sum of Rs.93,000/-

alongwith interest @ 7% per annum.

The present appeal has been filed by the Insurance Company on the ground that the offending vehicle was Bolero and the driver of the offending vehicle was holding a driving license which was valid for driving light motor vehicle only and hence the Tribunal should have awarded recovery rights to the Insurance Company.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the Insurance Company has only pressed one issue at the time of arguments of the appeal that there was no endorsement on the driving license for driving the transport vehicle.

The learned counsel for respondent No.3 argued that the driver was having a valid license to drive LMV and the offending vehicle i.e. Bolero jeep was in LMV category.

The contention raised by learned counsel for the insurance Company has no merit and deserves to be rejected. The Registration Certificate of the offending vehicle was exhibited before the Tribunal. In the said Registration Certificate unladen weight of the offending vehicle was 1705 kgs and laded weight was 2750 kg. The said vehicle is covered under the category of light motorcycle vehicle. The Hon'ble Apex Court in case of **Mukund Dewangan Vs. Oriental Insurance Company Limited, 2017 AIR (SC) 3668** has held that no separate endorsement is required for driving the transport and goods carrying vehicle of the same class for which the driver is holding a license.

In this case, the driver was holding a driving license of light motor vehicle, which was valid for driving Bolero as the gross weight of the

vehicle is less than 7500 kg.

In such circumstances, the prayer of insurance company is declined and the appeal is, hereby, dismissed.

(AVNEESH JHINGAN)
JUDGE

04.12.2017.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No