

HIGH COURT of CHHATTISGARH, BILASPUR**MAC No. 576 of 2012**

Reliance General Insurance Co. Ltd. through its legal manager, Reliance General Insurance Co. Ltd. Shop No.412-413, 4th Floor, Ravi Bhawan, Near Jaistambh Chowk, GE Road, Raipur (CG).

---- Appellant**Versus**

1. Shankar S/o late Ghasiram Sahu, aged about 12 years, R/o Devbaloda, Bhilai-3, District-Durg C.G.
2. Kheldas S/o Bhagwat Prasad Jangde, R/o Urla, P.S. Bhilai-3, District-Durg C.G.
3. Hemlal Sahu S/o Shankar Sahu, R/o Gandhi Market, Power House Bhilai, District -Durg C.G.

---- Respondents

For Appellant	:	Shri Sourabh Sharma, Advocate.
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Hon'ble Shri Justice P. Sam Koshy**Judgment On Board****23.02.2018.**

1. The present appeal under Section 173 of the Motor Vehicles Act has been filed by the insurance company against the award dated 20.01.2012 passed by the 1st Additional Motor Accident Claims Tribunal, Durg (in short, the Tribunal) in Claim Case No.140/2009. Vide the said impugned award, the Tribunal has awarded compensation of Rs.2,74,000/- along with interest @ 6 percent per annum from the date of application.
2. The sole ground of challenge in the instant appeal by the insurance company is that the driver of the offending vehicle on the date of accident did not have a valid license inasmuch as the vehicle involved in the accident i.e. Matador bearing registration No.CG-07-C-1536 was a commercial transport vehicle but the driver did not

have an endorsement to drive a commercial vehicle.

3. This issue stands squarely covered by the decision of the Supreme Court in case of Mukund Devangan Vs. Oriental Insurance Co.Ltd. AIR 2017 SC 3668. Thus, the ground that driver did not have a valid license is no longer sustainable as the vehicle involved in the accident was Matador which otherwise falls within the category of light motor vehicle and the driver also had a license to drive light motor vehicle.
4. Under such circumstances, the finding of the Tribunal cannot be found fault with and the appeal of the insurance company thus fails and is dismissed.

Sd/-
(P.Sam Koshy)
Judge

inder