

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

Date of decision: 8.5.2018

1.

FAO No.2179 of 2000(O&M)

Oriental Insurance Co. Ltd.

.....Appellant

VERSUS

Sarwan Devi and others

.....Respondents

2.

FAO No.2180 of 2000(O&M)

Oriental Insurance Co. Ltd.

.....Appellant

VERSUS

Suresh Kumari and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Suvir Dewan, Advocate for the appellant.

None for respondent No.3.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2179 and 2180 of 2000 as these have emerged out of the same award dated 03.06.2000 passed by the Motor Accidents Claims Tribunal, Gurgaon (in short 'the Tribunal') whereby compensation has been assessed in two applications filed by Smt. Sarwan Devi and Smt. Suresh Kumari.

Counsel for the insurance company would inform that the appeals have been filed to assail findings of the Tribunal whereby plea of the insurance company on the question of driving licence has been rejected

and the insurance company has been held jointly and severally liable to pay compensation. Indisputably, the vehicle in question is TATA 407 bearing No.HR-46/4510 and gross vehicle weight is less than 7500 KG, thus, falls in the definition of Light Motor Vehicle under Section 2 (21) of the Motor Vehicles Act, 1988. The driver possessed licence to drive Motorcycle, Scooter, Car and Jeep. There is nothing on record suggestive of the fact that mechanism of the vehicle in question is different from that of car and jeep. When the case is examined in the light of latest judgment of Hon'ble the Supreme Court **Mukund Dewangan vs. Oriental Insurance Company Limited, 2017(7) Scale 731**, contention raised by the insurance company is not meritorious and liable to be rejected.

No other point has been raised.

For the foregoing reasons, the appeals fail and are accordingly dismissed. No order as to costs.

MAY 8, 2018

'D. Gulati'

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no