

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.2034 of 2001 (O&M)

Date of decision:-22.10.2018

NATIONAL INSURANCE CO. LTD.

....APPELLANT...

V.

KIRPAL KAUR AND ORS.

....RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Deepak Suri, Advocate and
Mr. Neeraj Khanna, Advocate,
for the appellant.

Mr. A.K. Jain, Advocate.

Mr. Parunjeet Singh, Advocate,
for respondent No.3.

AJAY TEWARI, J. (ORAL)

This appeal has been filed by the Insurance Company against the award dated 01.03.2001 passed by Motor Accident Claims Tribunal, Ambala. Since very limited point has been raised further detail reference of the facts would not be required.

The case set up by the appellant-Insurance company is that driver had a licence for heavy transport vehicle but he was driving a bus and consequently, the insurance company could not have been foisted with the liability.

Counsel for the owner/driver has relied upon the decision of this Court in "*United India Insurance Co. Ltd. v. Kamal @ Kamla Devi and ors.*" 2000 ACJ 1461, and in that case a Division Bench of this Court

has considered this very question and it has been held that where driver was having a licence of 'heavy motor vehicle' it cannot be said that he was not entitled to drive 'heavy passenger motor vehicle'.

Counsel for the Insurance company has not been able to site any contrary judgment.

Consequently, this appeal is dismissed.

22.10.2018
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(AJAY TEWARI)
JUDGE

whether speaking/reasoned: **Yes/No**

whether reportable: **Yes/No**