

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

Date of decision: 13.07.2018

FAO No.2685 of 2007 (O&M)

National Insurance Co. Ltd.

... Appellant

Versus

Balkar Singh and others

... Respondents

FAO No.2686 of 2007 (O&M)

National Insurance Co. Ltd.

... Appellant

Versus

Paramjit Singh and others

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. Navin Kapur, Advocate
for the insurance company.

Mr. Rajesh Sethi, Advocate
for respondent No.1.

Mr. M.S. Sidhu, Advocate
for respondents No.2 and 3.

REKHA MITTAL, J. (Oral)

This order will dispose of FAO Nos.2685 and 2686 of 2007 as identical questions of law and fact are involved for adjudication. For facility of reference, facts are taken from FAO No.2685 of 2007.

The sole submission made by counsel for the appellant is that

driving licence possessed by Om Parkash respondent No.2, driver of jeep No.HR-24D/7399 stood expired on 13.01.2004 but the accident took place on 30.01.2004, therefore, he did not have a valid driving licence on the day of occurrence. In addition, it is submitted that driving licence of Om Parkash was renewed w.e.f. 25.08.2004 till 24.08.2009 meaning thereby that licence was not renewed from the date of expiry i.e. 13.01.2004. In support of his contention, he has relied upon judgment of Hon'ble the Supreme Court **Ishwar Chandra and others VS. Oriental Insurance Co. Ltd. and others, 2007 ACJ 1067.**

Counsel representing the driver and insured of the vehicle, on the contrary, has supported findings of the Tribunal by relying upon the proviso appended to Section 14 of the Motor Vehicles Act, 1988 (in short 'the Act') that says that licence would remain effective for a period of one month after its expiry. In support of his contention, he has relied upon judgment of this Court **State of Haryana and another Vs. Karkor and others, FAO No.2975 of 2005, decided on 24.05.2018.**

I have heard counsel for the parties, perused the paper book particularly the award dated 20.04.2007.

Be that as it may, it is undisputed position of the case that driving licence possessed by Om Parkash stood expired on 13.01.2004 and the occurrence in question took place within one month of expiry of licence on 30.01.2004.

Section 14 of the Act deals with currency of licences to drive

motor vehicles. At the end of Section 14 of the Act proviso has been appended and a relevant extract therefrom reads as follows:-

“Provided that every driving licence shall, notwithstanding its expiry under this sub-section continue to be effective for a period of thirty days from such expiry.”

Taking into consideration the clear and unambiguous language of proviso reproduced hereinbefore, it is difficult to accept contention of the insurance company that driver of the offending vehicle did not have an effective licence on the day of occurrence. The controversy raised in the present appeal is squarely covered by judgment of this Court in **Karkor and others's case (supra)** in favour of the respondents.

So far as the judgment in **Ishwar Chandra and others's case (supra)** relied upon by counsel for the insurance company, in the said case, licence got expired on 27.08.1994. The accident appears to have taken place in May, 1995. The licence was renewed after 28.04.1995. Hon'ble the Supreme Court, on consideration of the provisions of Section 15(1) of the Act, held that driver was not possessing a valid licence on the day of occurrence. In the referred authority, Section 14 of the Act was not the subject matter of consideration and decision as the occurrence took place beyond a period of one month from the date of expiry of driving licence. In the given scenario, the appellant cannot derive any advantage to its contention from the referred authority that relates to implications of Section 15 of the Act. In this view of the matter, I do not find an error much less

illegality in findings of the Tribunal rejecting plea of the insurance company that the driver did not possess an effective licence on the day of occurrence.

No other point has been raised.

For the foregoing reasons, the appeals fail and are accordingly dismissed, leaving the parties to bear their own costs.

13.07.2018

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(REKHA MITTAL)
JUDGE

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