

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

**FAO No.5849 of 2012 (O&M)  
Date of decision: 08.03.2018**

Bharti AXA General Insurance Company Ltd.

....Appellant

Versus

Mansi and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Rajbir Singh, Advocate,  
for the appellant-Insurance Company.

Mr. Davinder Singh Khurana, Advocate,  
for respondent No.3.

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**RITU BAHRI J. (Oral)**

Bharti AXA General Insurance Company Ltd.-appellant has filed this appeal against the award dated 05.05.2012 passed by the Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as 'the Tribunal') whereby compensation of Rs.4,96,000/- has been awarded in favour of the claimants-respondent Nos. 1 & 2 on account of death of Gurdip Singh in a motor vehicular accident which took place on 20.05.2010. Respondent No. 1 is daughter and respondent No.2 is mother of deceased Gurdip Singh.

Appellant has not challenged the finding given by the Tribunal on issue No.1 that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver-respondent No.3.

Insurance Company-appellant is challenging the impugned award on the ground that Sarabjit Singh-driver of the offending three wheeler was not having a valid driving licence at the time of accident, therefore, it (insurance company) was not liable to make payment of compensation.

Heard, counsel for the parties.

The fact of accident is admitted and proved. It stands established that the deceased has died as a result of the accident. The offending vehicle was a three-wheeler. No evidence was led before the Tribunal to show that the driver had a fake licence.

During the pendency of this appeal, driving licence of driver-Sarabjit Singh has been placed on record as Annexure A-2. A perusal of the same shows that it has been issued for driving a car, motorcycle and scooter. The main argument of learned counsel for the appellant is that the three-wheeler being a transport vehicle, driving licence (Annexure A-2) did not carry an endorsement to drive a transport vehicle and hence, it was an invalid driving licence.

After hearing learned counsel for the parties and going through the impugned award, this appeal deserves to be dismissed. Reference, at this stage, can be made to a judgment passed in **Natinal Insurance Co. Ltd. vs. Swaran Singh and others**, 2004 (2) RCR (Civil) 114, wherein Hon'ble the Supreme Court had examined the provisions of Section 149 (2) (a) (ii) of the Motor Vehicle Act, 1988, which deals with disqualification of the driver with regard to validity of the driving licence. It was held that even if, a person is possessing a driving licence to drive a car, he can drive light motor vehicles like jeep, maxi-cab or motor-cab or omnibus, for which he has no licence.

In the present case, the main argument of learned counsel for the appellant is that the driving licence did not have endorsement of the light motor vehicle and hence, while driving three-wheeler, which is a transport vehicle, the driver has committed breach of the terms of insurance policy, as he was not having a valid driving licence. In this context, the definition of light motor vehicle in the Motor Vehicle Act is relevant, which is reproduced as under:-

(21) "light motor vehicle" means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7,500 kilograms”

A perusal of above shows that the 'light motor vehicle' should have weight upto 7500 kilograms. It is not the case of appellant-insurance company that weight of the three-wheeler, which was being driven by Sarabjit Singh-driver was more than 7500 kilograms. Hence, even if, it was a transport vehicle, its weight was less than 7500 kilograms. Since the driver had a licence to drive a car, scooter and motorcycle, the driving licence cannot be treated as invalid. Hon'ble the Supreme Court in number of judgments has held that no separate endorsement on the driving licence is required to drive same class of vehicle. In the present case, driving licence (Annexure A-2) of Sarabjit Singh was issued to drive car, scooter and motorcycle. No separate endorsement for driving LMV was required thereon.

After going through the impugned award in the light of the above judgment, this Court is of the view that the Tribunal has rightly given a finding on issue No.4 against the insurance company. No ground is made out to interfere in the impugned award as evidence has been appreciated in

the right perspective.

Resultantly, finding no merits, the present appeal is dismissed.

**(RITU BAHRI)**  
**JUDGE**

08.03.2018  
ajp

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