

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3195 of 2014
Date of Decision: 16.02.2018

United India Insurance Co. Ltd.Appellants

Vs.

Gagandeep Kaur and othersRespondents

FAO No.3199 of 2014

United India Insurance Co.Ltd.Appellant.

Vs.

Sawitri Devi and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Vipul Sharma, Advocate, for
Mr.Paul S.Saini, Advocate, for the appellant.

Mr.Kahish Garg, Advocate, for
respondents No.4 and 5 (in FAO No.3195-2014) and
for respondents No.3 and 4 (in FAO No.3199 of 2014).

RITU BAHRI, J. (ORAL)

Present appeals have been preferred by the appellants/Insurance (for short 'the appellants'), against award dated 04.12.2013, passed by the learned Motor Accident Claims Tribunal, Sri Muktsar Sahib (for short, 'the Tribunal') on the short ground that insurance company is liable to make payment of compensation as the driver did not have endorsement to drive the Hazardous Goods Carrying Vehicles.

In paragraph 14 of the Award, it has been held that Harbans Singh respondent No.4 herein has proved copy of his driving licence Ex.R7 on the file and as per the same it was valid from 22.01.2009 to 21.09.2012 and it was issued to drive motor car and light motor vehicle. The offending tanker

definition in Section 2 sub-Section 29 of the motor vehicle Act 1988 a motor car or tractor or road roller unladen weight in any of which does not exceed 7500 kilograms. Since tanker/truck light motor vehicle and Harbans Singh respondent No.1 was having valid driving licence to drive the same, this issue has been decided in favour of claimants.

The Insurance Company has filed the appeals also on the ground that driving licence did not have endorsement to drive car Hazardous Goods Carrying Vehicles.

Learned counsel for the respondents-claimant has referred to the judgment passed by Hon'ble the Supreme Court of India in the case of **Mukund Dwangan Vs. Oriental Insurance Company Limited 2017 AIR (SC) 3668**, wherein it has been held that there is no requirement to obtain separate endorsement to drive transport vehicle, and if a driver is holding licence to drive light motor vehicle, he can drive transport vehicle of such class without any endorsement to this effect.

In the present case in paragraph 14 of the Award, it has been clarified that a transport vehicle or Omni bus a gross vehicle weight of either of which i.e. motor car or tractor or road roller unladdled weight on any of which does not exceed 7500 Kilograms, it means, the tanker/truck was light motor vehicle and Harbans Singh-drivar was having a valid driving licence to drive the same.

In view of the above, there was no need to separate endorsement to drive the transport vehicle. So in the light of the discussion, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warrant interference. Hence both the appeals stand dismissed.

(RITU BAHRI)
JUDGE

16.02.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No