IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.623 of 2014 (O&M)
Date of Decision: 01.03.2018

M/s Stylam Industries Limited ....Appellant

Vs.

New India Assurance Company and ors. ....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ashwani Arora, Advocate, for the appellant.

Mr.Neeraj Khanna, Advocate, for respondent No.3.

Mr.Saurav Bhardwaj, Advocate, for respondents No.4 and 5.

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RITU BAHRI, J. (ORAL)

The appellant/Stylam Industries Limited has come up in appeal against the judgment dated 07.12.2013 on the short ground that Insurance Company has been wrongly absolved of the responsibilities to make the payment of compensation to the claimant.

In paragraph 12 of the Award, it has been observed that driving licence Ex.R-5, route permit Ex.R2 has been examined by the witness RW1 who was Clerk of Licencing Authority, Panchkula. As per his record, driving licence has been issued in favour of respondent No.1 on 30.10.2009 which was valid up to 29.10.2029 for the purpose of driving scooter, motorcycle with gear, light motor vehicle non transport (car/jeep) and not for the heavy transport vehicle. The learned Tribunal while referring the judgments in the case of **Oriental Insurance Company Limited Vs. Angad Kol, 2009 ACJ 1431 (SC) and National Insurance Company**

Limited Vs. Swaran Singh, 2004 ACJ 1(SC), it was held that driving licence authorizing a driver to drive light motor vehicle is not a valid and effective driving licence for the purpose of transport vehicle and fake or invalid driving licence are disqualification of the driver at the relevant time are not in themselves defences available to the insurer.

This question has been answered by judgment of Hon'ble Supreme Court 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 view of the abovesaid judgment, the present appeal is allowed and finding on issued No.3 of the impugned Award passed by the learned Tribunal is set aside and insurance Company is liable to make payment of compensation to the claimant.

Appeal allowed accordingly.

(RITU BAHRI)
JUDGE

01.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No