

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

FAO No.3005 of 2017 (O&M)

Date of Decision : 28.08.2018

Bajaj Allianz general Insurance Company Ltd.

...Appellant

vs.

Palwinder Kaur and others

....Respondents

CORAM : HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Sachin Ohri, Advocate for the appellant.

Mr. R.P.S. Boparai, Advocate for respondents No.2 and 3.

B.S.WALIA, J. (Oral)

1. Learned counsel contends that appeal had been filed on the ground that the driver of the offending vehicle was not having a valid driving license as he was holding a driving license to drive a light motor vehicle only, whereas the offending vehicle was a transport vehicle. Learned counsel contends that in view of the decision in Mukund Dewangan vs. Oriental Insurance Company Ltd. 2017 (4) RCR (Civil) 111, the matter is no longer *res-integra* as it has been held by Hon'ble the Supreme Court that a person having a license for driving a light motor vehicle is competent to driver a transport vehicle as well and in view thereof, the appellant may be permitted to withdraw the appeal.

2. Learned counsel for the appellant further states that in view of the appellant withdrawing the appeal, statutory amount be directed to be

refunded to the appellant, since the entire awarded amount has already been deposited before the learned Tribunal.

3. In the light of the position as noted above, while dismissing the appeal as withdrawn, the statutory amount deposited by the appellant is ordered to be refunded to the appellant against proper receipt.

(B.S.WALIA)
JUDGE

28.08.2018
rajesh.k.khurana

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