

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

FAO-315-2017 (O&M)
Date of decision: 26.02.2018

National Insurance Co. Ltd. ... Appellant

VS

Satya and ors. ... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. S.S.Sidhu, Advocate
for the appellant.

Mr. Umesh Kumar Kanwar, Advocate
for the respondents.

Hari Pal Verma, J.(Oral)

CM No.1177-CII of 2017

Prayer in this application filed under Section 5 of the Limitation Act, 1963 is for condonation of delay of 19 days in filing the present appeal.

For the reasons stated in the application, same is allowed and the delay of 19 days in filing the instant appeal is condoned.

Main case

Appellant – Insurance Company has filed the present appeal against the award dated 22.08.2016 passed by Motor Accident Claims Tribunal, Jalandhar whereby claim petition filed by respondents/claimant under Section 166 of Motor Vehicle Act was allowed and claimants were held entitled for compensation for an amount of Rs.6,03,000/-.

On 23.01.2017, this Court had passed the following order:

*“Learned counsel for the appellant relies upon a judgment of Hon'ble Apex Court in **Oriental Insurance Co. Ltd. vs. Angad Kol and others, 2009(2) RCR (Civil)***

419 to contend that when a driver is holding a licence to ply a light motor vehicle, driving goods vehicle/transport vehicle without authorization and that vehicle met with an accident causing death of a lady, it is a violation of Insurance Policy and, therefore, the Insurance Company cannot be held liable.

Notice of motion for 11.08.2017.

Notice re: condonation of delay as well.”

Learned counsel for the appellant has very fairly submitted that in view of the judgment of Hon'ble Apex Court in ***Mukand Dewangan vs. Oriental Insurance Co. Ltd., 2017 (7) Scale 731***, no separate license is required to drive a transport vehicle of LMV class, if the driver possess a license to drive LMV class vehicle.

I have heard learned counsel for the parties and in view of the judgment of Hon'ble Apex Court in *Mukand Dewangan's case(supra)*, the present appeal is dismissed.

26.02.2018
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(HARI PAL VERMA)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No