

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 374 of 2017 (O&M)

Date of Decision: 11.12.2018

Bharti AXA General Insurance Co. Ltd.

...Appellant

VERSUS

Harpreet Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Rajbir Singh, Advocate
for the appellant.

Mr. Rajesh Bansal, Advocate
for respondents no. 1 to 6.

SURINDER GUPTA, J.(Oral)

The only point raised in this appeal is that respondent no. 7-
driver of the offending vehicle was not possessing a valid driving licence for
driving the tractor/transport vehicle. This point was also raised before the
Tribunal and was answered as follows:-

*“25. A ‘light motor vehicle’ is defined under Section 2 (21) of
the Motor Vehicles Act, 1988 as under:-*

*“Section 2 (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 7500 kilograms.”*

*26. A ‘tractor’ is defined under Section 2 (44) of the Act as
under:-*

*“Section 2 (44): ‘tractor’ means a motor vehicle
which is not itself constructed to carry any load
(other than equipment used for the purpose of
propulsion); but excludes a road-roller.”*

*27. Thus, the definition of ‘light motor vehicle’ includes a
‘transport vehicle’. A ‘tractor’ is also included in the
definition of ‘light motor vehicle’. The Hon’ble Apex*

*Court in case **Nagashetty vs. United India Insurance Co. Ltd.**, 2001 ACJ (SC) 1441, has held that merely because a trailer is added either to a tractor or to a motor vehicle by itself does not make that tractor or motor vehicle a transport vehicle. The tractor or motor vehicle remains a tractor or motor vehicle. If a person has a valid driving licence to drive a tractor or a motor vehicle (sic he continues to have a valid licence to drive that tractor or motor vehicle) even if a trailer is attached to it (sic and some goods are carried in it. In other words a person having a valid driving licence to drive a particular category of vehicle does not become disabled to drive that vehicle merely because a trailer is added to that vehicle).*

28. *Thus, in view of the above law, it is clear that since the driver-respondent no. 1 of the tractor had a valid and effective driving licence to drive the light motor vehicle (tractor), he would not become disabled to drive the tractor, merely because a trolley was attached to the tractor.”*

This question of law has already been settled by Hon’ble Apex Court in case of **Nagashetty vs. United India Insurance Co. Ltd.**, 2001 ACJ (SC) 1441, as such, driving licence of respondent no. 7 to drive tractor was a valid one.

In view of above discussion, this appeal has no merit and the same is dismissed.

December 11, 2018

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No