

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

**FAO No.2614 of 2018(O&M)**

**Date of decision: 11.5.2018**

Reliance General Insurance Co. Ltd. ....Appellant

VERSUS

Hardev Singh and others .....Respondents

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**CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Sanjeev Kodan, Advocate for the appellant.

**REKHA MITTAL, J. (Oral)**

Counsel for the appellant has submitted that the present appeal has been filed by the insurance company primarily to assail findings of the Tribunal qua quantum of compensation and driver of offending vehicle being not authorized to drive the vehicle in question for want of endorsement in terms of provisions of Section 14 of the Motor Vehicles Act, 1988 as the vehicle in question is a tanker used for transporting inflammable material i.e. oil.

However, counsel would state that he does not press the appeal to challenge quantum of compensation.

To assail findings of the Tribunal on issue No.5, it is argued that as the licence of transport vehicle possessed by Kamaljit Singh, driver of tanker bearing No.PB-23-F-7486 did not contain an endorsement authorizing him to drive a vehicle carrying inflammable/hazardous goods, the insured is guilty of violating the terms and conditions of the insurance policy and the insurance company is entitled to be exonerated of liability to

pay compensation or in the alternative right of recovery against the insured after payment to the claimants. The contention raised by insurance company is liable to be negated in the light of judgment of this Court **National Insurance Co. Ltd. Vs. Harbans Kaur and others, FAO no.1210 of 2014 along with connected case, decided on 26.03.2018,** wherein this Court has rejected plea of the insurance company in this regard.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

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| <b>MAY 11, 2018</b><br>'D. Gulati' | <b>(REKHA MITTAL)</b><br><b>JUDGE</b> |
| Whether speaking/reasoned          | : yes/no                              |
| Whether reportable                 | : yes/no                              |