

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

FAO No.394 of 2018 (O&M)
Date of Decision.17.05.2018

Oriental Insurance Company Limited

...Appellant

Vs

Rupinder Kaur and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ashish Yadav, Advocate
for the appellant.

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AMIT RAWAL J.(ORAL)

C.M. No.1360-CII of 2018

For the reasons stated in the application, delay of 10 days
in filing the appeal is condoned.

Application is allowed.

FAO No.394 of 2018

The short point raised in the present appeal is whether a
person holding a driving licence to drive 'light motor vehicle' is
competent to drive a transport vehicle of that category or not.

Mr. Yadav, learned counsel appearing for the appellant
contends that the driver of the offending vehicle which was a
Mahindra Pick-up was holding a licence having endorsement of 'light
motor vehicle' whereas Mahindra Pick-up is a commercial vehicle.
Therefore, he was not competent to drive the same and committed
breach of terms and conditions of the policy. In support of this
contentions, he relies upon the judgment rendered by Hon'ble

Supreme Court in **National Insurance Co. Ltd. Vs. Kusum Rai and**

othes (2006) 4 SCC 250 and S. Iyyapan Vs. M/s United India Insurance Company Ltd. And another (2013) 7 SCC 62, thus, urges for modifying the award passed by the Tribunal by granting recovery rights to the appellant-insurance company.

I have heard learned counsel for the appellant and appraised the paper book. Concededly, the unladen weight of Mahindra Pick-up is less than 7500 kg, therefore, it falls within the category of 'light motor vehicle' under Section 2(21) of the Motor Vehicles Act. The aforementioned poser has been pondered upon by Hon'ble Supreme Court in Mukund Dewangan Vs. Oriental Insurance Company Limited AIR 2017 3668 SC wherein it has been held that a driver holding a licence to drive 'light motor vehicle' is competent to drive a 'transport vehicle' of that category without specific endorsement to drive the transport vehicle, meaning thereby, there is no requirement to additionally obtain an endorsement to drive a transport vehicle.

In view of the aforementioned, I do not find any infirmity in the award passed by the Tribunal. The same is upheld and the appeal is dismissed.

(AMIT RAWAL)
JUDGE

May 17, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No