

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

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FAO 8500 of 2017 (O&M)
Date of decision: 19.03.2018

HDFC Ergo General Insurance Co Limited *Appellant*

Versus

Devi Lal and another *Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present: Mr. Sanjeev Goyal, Advocate
for the appellant

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Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 09.03.2017 passed by the Motor Accidents Claims Tribunal, Sonipat (hereinafter to be referred as 'the Tribunal') whereby compensation has been awarded to Devi Lal on account of injuries sustained in a motor vehicular accident that took place on 08.01.2016 .

Counsel for the appellant, at the very outset, would inform that the appeal has been preferred to assail findings of the Tribunal on issue No. 3 particularly with regard to driving licence possessed by driver of offending vehicle. It is argued that as vehicle in question was insured with the appellant as Taxi, therefore, a commercial vehicle, driver was not competent to drive the vehicle for want of endorsement of 'transport' on his driving licence.

Apart from the fact that the appeal is barred by a huge delay of 158 days, contention raised by the appellant is no longer tenable in the light

of latest judgment of Hon'ble the Supreme Court ***Mukund Dewangan vs Oriental Insurance Co. Ltd., 2017 (7) Scale 731***. Indisputably, vehicle in question is a 'light motor vehicle' as its gross weight is less than 7,500 kilograms and the same falls within the definition of 'light motor vehicle' as defined in Section 2 (21) of the Motor Vehicles Act, 1988. No such endorsement of 'transport' is required for authorizing the driver to drive the vehicle in question.

No other point has been raised.

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

Statutory amount of Rs.25,000.00, deposited by the insurance company be remitted to the Tribunal for disbursement to the claimants.

(Rekha Mittal)
Judge

19.03.2018
mohan bimbura

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