

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

**F.A.O. No.10602 of 2018 (O&M)
Date of Decision: 20.12.2018**

United India Insurance Company Limited

.....Appellant.

Versus

Gurchain Singh and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Gopal Mittal, Advocate
for the appellant.

LISA GILL, J (Oral).

This appeal has been filed by the Insurance Company challenging its liability to pay compensation to the claimants as awarded by the learned Motor Accident Claims Tribunal (for short 'tribunal'), Faridkot, vide award dated 20.08.2018.

Sole ground raised by learned counsel for the appellant-Insurance Company is that the learned tribunal has erred in holding that the driver of the offending vehicle i.e. respondent no.2 was holding a valid driving license to drive the offending vehicle i.e. a bus. It is submitted that there is a distinction between the 'unladen weight' and the 'gross vehicle weight'. As per the driving license (Ex.R-1) of respondent no.2-Ranjit Singh, he was not entitled to drive the said bus. It is thus prayed that this appeal be allowed.

Heard learned counsel for the appellant and have gone through

the file with his able assistance.

In the present case, claim petition under Section 166 of the Motor Vehicles Act, 1988, filed by the claimant-respondent no.1 was decided by the learned tribunal on 20.08.2018 and compensation to the tune of ₹2,89,012/- along with interest at the rate of 6% per annum was awarded on account of injuries received by respondent no.1 in the motor vehicle accident. Accident in question, which took place on 27.11.2015 involving the offending bus, is not in dispute neither has any argument been raised on the quantum of compensation. A perusal of the photocopy of the driving license (Ex.R-1) of respondent no.2-Ranjit Singh furnished in Court today, reveals that the said driving license was valid for a transport vehicle. As per Section 2 (47) of the Motor Vehicles Act, definition of 'transport vehicle' reads as under:-

“Transport vehicle” means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle.”

Learned counsel for the appellant is unable to deny that the said driving license Ex.R-1, is valid for driving of Light Motor Vehicle Non Transport, Transport Vehicle and Light Motor Vehicle CAB.

In this view of the matter, the distinction between the 'unladen weight' and the 'gross vehicle weight' etc., as discussed by the learned tribunal is irrelevant. There is nothing on record to indicate that respondent no.2-Ranjit Singh was not holding a valid driving license, thus not entitled to drive the offending bus. No witness has been produced from the office of the Licensing Authority to prove the same. Therefore, in my considered opinion, there is no ground whatsoever to interfere in the impugned award dated

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20.08.2018.

No other argument has been raised.

Learned counsel for the appellant is unable to point out any illegality or infirmity in the impugned award dated 20.08.2018, passed by the learned tribunal, Faridkot, which calls for interference by this Court at the instance of the appellant.

Appeal is accordingly dismissed with no order as to costs.

20.12.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.