

In the High Court of Punjab and Haryana at Chandigarh

**FAO- 2261 of 2019(O&M)
Date of Decision: 26.3.2019**

National Insurance Company Limited

---Appellant

versus

Sukhwinder Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Paul S.Saini, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal directs challenge against award dated 16.10.2018 passed by the Motor Accidents Claims Tribunal, Panchkula (In short “the Tribunal”) whereby compensation has been awarded on account of death of Smt. Sunita Devi in a motor vehicular accident that took place on 21.5.2017.

Counsel for the appellant is fair enough to inform that the appeal has been preferred to assail findings of the the Tribunal on the question of driving licence possessed by Ramphal, driver of car bearing No. HR-68-B-7559. It is argued that as the driver was holding licence of light motor vehicle non-transport, he was not competent to drive the vehicle in question which is registered as taxi and insured as such.

Indisputably, the vehicle in question is a light motor vehicle as

its unladen weight is 1254 kgs, when examined in the light of definition of 'Light Motor Vehicle' under Section 2(21) of the Motor Vehicles Act, 1988. The Tribunal by relying upon judgment of Hon'ble the Supreme Court **Mukund Dewangan vs. Oriental Insurance Company Limited 2017 (7) Scale 731** has rightly rejected plea of the insurance company that an endorsement of transport was required on the driving licence in order to enable the driver to drive the vehicle in question. In this view of the matter, contention raised by counsel for the appellant is patently misconceived and liable to be rejected.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine. As the appeal has been decided on merits, application for condonation of delay of 24 days in filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

26.3.2019

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No