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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 1000 of 2002(O&M)
Date of decision: 20.11.2019

Oriental Insurance Company Ltd. **...Appellant**

V/s.

Mithilesh Prashad Gupta and others **...Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Vinod Chaudhari, Advocate
for the appellant.

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RITU BAHRI, J. (Oral).

The insurance company has come up in appeal against the award of the Tribunal dated 13.10.2001 whereby the claimant has been awarded compensation of Rs.75,000/- on account of injuries sustained in a road accident which took place on 15.09.1999.

Brief facts of the case are that on 15.09.1999 at about 5 p.m., the claimant-Mithilesh Prashad Gupta was going on his motorcycle from Sector 14 Gurgaon at moderate speed, after finishing his tuition work to Sarswati Vihar Chakarpur Gurgaon for giving tuitions to his regular students. When he crossed Sukhrali chowk and was proceeding towards village Sukhrali, then TATA 407 bearing No. UP-13D-5691 being driven by respondent No.1 came from opposite side in a rash and negligent manner and while overtaking some other vehicle dashed against the motorcycle of the claimant. The claimant alongwith motorcycle fell on the road and suffered serious injuries on his body. Consequently, the claimant-respondent filed a claim petition before the tribunal.

The insurance company is challenging the award on the short ground that the driver of the offending vehicle i.e. TATA 407 bearing No. UP-13D-5691 was not having valid driving licence. He was having licence to drive 'LMV' only. Hence, the insurance company is not liable to make payment of compensation.

I have heard learned counsel for the appellant and perused the case file. The fact of accident is admitted and proved. It stands established that the claimant has sustained injuries as a result of the accident. Finding of negligence has rightly been given by the Tribunal and it does not require any interference on that account.

The issue with regard to validity of driving licence has already attained finality in ***Civil Appeal No. 5826 of 2011 titled as Mukund Dewangan V/s. Oriental Insurance Company*** 2017(4) R.C.R. (Civil) 111 in which the Supreme Court held that when a driver is holding a licence to drive 'light motor vehicle' he is competent to drive a 'transport vehicle' of that category without specific endorsement to drive the transport vehicle.

Keeping in view the observations made in the aforesaid judgment, the appeal of the insurance company is dismissed. Pending application, if any, also stands dismissed.

(RITU BAHRI)
JUDGE

20.11.2019
Divyanshi

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