

FAO- 5264 of 2019 (O&M)
Date of Decision: 19.12.2019

United India Insurance Company Limited

---Appellant

versus

Kavita Devi and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. Sanjiv Pabbi, Advocate
for the appellant**

Rekha Mittal, J.

Challenge in the present appeal has been directed against award dated 8.5.2019 passed by the Motor Accidents Claims Tribunal, Hisar (in short “the Tribunal”) to the limited extent that insurance company is entitle to have right of recovery against the insured, after payment of compensation to the claimants as licence possessed by Raj Kumar, driver of offending truck No. PB-11BN-8715 was not valid on the day of accident namely 6.2.2017.

Counsel for the appellant would argue that licence Ex. R4 was issued on 15.2.2017 but accident took place on 6.2.2017, therefore, driver was not duly licensed on the date of accident and as such the insured is guilty of violating the terms and conditions of policy on the basis whereof right of recovery is liable to be conferred upon the insurance company

Licence Ex. R4 has been issued by the District Transport Officer, Mon (Nagaland). Perusal of the same makes it evident that Raj Kumar was issued Light Motor Vehicle -Non Transport and motor cycle licence on 15.7.2010 valid upto 14.7.2030. Licence with regard to transport

FAO- 5264 of 2019 (O&M)

was issued on 16.8.2011 valid upto 6.2.2020. Since licence has been issued in smart card form, the date 15.2.2017 appears to be the said date and not the date of issuance of original licence either with regard to light motor vehicle or transport vehicle. The insurance company did not adduce any evidence to prove that endorsement on licence Ex. R4 do not refer to issuance of licence of transport on 16.8.2011 valid upto 6.2.2020. That being so, contention raised by the appellant is patently misconceived and rightly rejected by the Tribunal.

No other point has been raised.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

19.12.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No