

**208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.26457 of 2016.

Date of Decision: 07.05.2019

Inder Pal

.....Petitioner

Versus

Permanent Lok Adalat (Public Utility Services), Patiala and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Mandeep K. Dhot, Advocate,
for the petitioner.

Mr. Akshay Bansal, Advocate for
Mr. Ashwani Talwar, Advocate,
for respondent Nos. 2 & 3.

JITENDRA CHAUHAN J.

By way of present civil writ petition, the petitioner has sought quashing of Award dated 27.05.2016 (Annexure P-1) passed by Permanent Lok Adalat (Public Utility Services) Patiala (for short “the Lok Adalat”) in application No. 420 of 2015 vide which the application filed by the petitioner was dismissed.

It is contended that the petitioner had purchased one Alto Car bearing registration No. PB-13-U-6631, Model 2009 and the same was insured with respondent Nos. 2 & 3 vide cover note No.231290 for the period from 11.05.2013 to 10.05.2013. The above said car met with an accident on 13.04.2014 and got damaged. The insurance company deputed their surveyor for spot inspection, however, the claim of the petitioner was declined vide letter dated 08.12.2014 on the ground that the driving licence of the petitioner was not valid on the

date of accident. Thereafter, the petitioner filed application No. 420 of 2015 before the Lok Adalat. The claim of the petitioner was rejected by the Lok Adalat on the ground that the petitioner was not holding a valid driving licence from 12.03.2014 to 21.05.2014.

It is contended that the Lok Adalat has committed error in ignoring the fact that as per the Motor Vehicle Act, 1988, the licence of the petitioner which stood expired was renewed subsequently and in these circumstances, the insurance company cannot be absolved of the liability.

On the other hand, it is contended that on the date of accident i.e. 13.04.2014, the petitioner who was driving the car was not holding a valid driving licence from 06.05.1996 to 06.12.2007 which was got renewed from 12.03.2009 to 11.03.2014 and thereafter, was renewed on 22.05.2014 which was valid upto 21.05.2019.

Heard.

In the impugned Award, it is recorded as under:-

“It is beyond any doubt or dispute that only in the event an application for renewal of licence is filed within a period of 30 days from the date of expiry thereof, the same would be renewed automatically which means that even if an accident had taken place within the aforementioned period, the driver may be held to be possessing a valid licence. The proviso appended to sub-section (1) of Section 15 however, clearly states that the driving licence shall be renewed with effect from the date of its renewal in the event the application for renewal of a licence is made more than 30 days after the date of its expiry.”

The accident in this case took place on 13.04.2014. On the said date renewal application had not been filed and the petitioner did not hold a valid driving licence on the date when the vehicle met with the accident. No ground for interference is made out.

Dismissed.

07.05.2019.

SN

(JITENDRA CHAUHAN)
JUDGE

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