

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

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FAO-1046-2016

Date of Decision : July 19, 2019

ORIENTAL INSURANCE CO. LTD.

.....Appellant

VERSUS

SOBHA DEVI AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Lalit Garg, Advocate
for the appellant.

None for the respondents.

NIRMALJIT KAUR, J. (Oral)

The present appeal has been filed by the Insurance Company against the award dated 6.11.2015 granting compensation to the claimants.

While praying for setting aside the said award, learned counsel for the appellant-Insurance Company contended that the driver of the three wheeler did not have a valid driving licence to drive the commercial vehicle. He had a LMV-NT licence which does not include a commercial vehicle. The said issue is no more res-integra in view of the judgment rendered by the Hon'ble Supreme Court in the case of **Jagdish Kumar Sood** Vs. **United India Insurance Co. Ltd. and others**, 2018 ACJ 1018. Infact, it is specifically held that light motor vehicle defined in Section 2(21) would include transport vehicle and the driver holding a licence to drive LMV is competent to drive a transport vehicle and no

separate endorsement on the licence was required to drive a transport vehicle whose weight did not exceed 7500 kg. In the case in hand, the weight of the three wheeler, the vehicle in question was less than 7500 kg.

In view of the legal proposition, there is no merit in the appeal.

Dismissed accordingly.

July 19, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No