

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

FAO-53-2016

Date of decision : 07.11.2019

Preetam

..... Appellant

versus

**National Insurance Company Limited
and another**

..... Respondents

CORAM : HON'BLE MS.JUSTICE RITU BAHRI

Present: Mr.Ashish Gupta, Advocate for the appellant.

Mr.Vipul, Advocate
for Mr.Paul S.Saini, Advocate
for respondent No.1.

None for respondent No.2.

RITU BAHRI, J. (ORAL)

The present appeal has been filed against the award of the Tribunal dated 30.09.2015 on the limited issue that there was no endorsement on the driving licence Exhibit R-3 for LMV and insurance company has been wrongly given recovery rights against the appellant. The Tribunal in its award dated 30.09.2015 in paras 31 and 32 has observed that the driver was having a valid and effective driving licence which was valid for scooter, motor cycle, car, jeep, tractor only and was valid from 6.6.2000 to 5.6.2015 but there was no endorsement on this licence that respondent No.1 was authorised to drive Light Motor Vehicle and the registration certificate Ex.R2 shows that the offending vehicle falls under the category of Light Motor Vehicle. This issue has now been clarified by the Apex Court in **Mukund Dewangan vs. Oriental**

Insurance Company Limited, 2017 SCC Online SC 788 by observing that

the LMV will include all the vehicles which are weighing 7500 kilograms and no separate endorsement is required if the weight of the vehicle is 7500 kilograms. In the present case the weight of the vehicle is 1750 Kilograms and hence it falls in the category of LMV as per the judgment of the Supreme Court.

Hence the present appeal is allowed and the award is modified to the extent that the amount of compensation will be paid jointly and severally by all the three respondents.

(RITU BAHRI)
JUDGE

07.11.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No