

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-32196-2019

Date of Decision :- 09.12.2019.

National Insurance Company Limited and others

.....Petitioners

Versus

Permanent Lok Adalat (Public Utility Services) and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Dr. Deepak Jindal, Advocate and
Ms. Supriya Arora, Advocate for the petitioners.

Mr. Ashwani Kumar Chopra, Senior Advocate with
Mr. Raman Walia, Advocate and
Mr. Abhay Nanda, Advocate for respondent No.2.

Mr. Subhash Chander, Advocate for
Mr. Sandeep Verma, Advocate for respondent No.3.

SANJAY KUMAR, J. (Oral)

Mr. Subhash Chander, learned counsel, representing Mr. Sandeep Verma, learned counsel, entered appearance on behalf of respondent No.3 and filed his memorandum of appearance. The same is taken on record.

Presently, the Award dated 26.07.2019 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh, is subjected to challenge by the National Insurance Company Limited. Thereby, the petitioner-Insurance Company was directed to pay a sum of Rs.24,05,671.50/- towards the repair of the vehicle along with interest thereon @ 9% per annum, apart from compensation of Rs.20,000/- towards mental agony and harassment and compensation of Rs.10,000/- towards litigation expenses.

The only ground urged by Dr. Deepak Jindal, learned counsel for the petitioner-Insurance Company, is that the person driving the vehicle in question, a Light Motor Vehicle - a BMW car, was holding a Heavy Goods Vehicle Licence and did not have a valid Light Motor Vehicle Licence.

This issue is no longer *res integra* in the light of the judgments of this Court on this very point. Reference may be made to the judgments in *(i) Harsewak Singh Vs. Lajo Devi and others [2014 ACJ 719]*; *(ii) Niranjan Singh Vs. Lajo Devi, w/o Gurmaol Singh [(2013-2) 170 PLR 809]*; *(iii) Ranjit Singh Vs. Dheeraj Singh Gusain and others [(2019-4) 196 PLR 734]*; and *(iv) National Insurance Company Ltd. Vs. Parkashi Devi and others [(2017-1) 185 PLR 361]*. These judgments held to the effect that possession of a licence to drive a Heavy Transport Vehicle must be seen as sufficient qualification to drive a Light Motor Vehicle also, as the mechanism to drive both categories of vehicles is the same.

In the light of the aforestated settled legal decisions, the petitioner-Insurance Company has no tenable grounds to challenge the Award dated 26.07.2019 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh.

The writ petition is devoid of merit and is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

December 09, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.