

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

ASHOK KUMAR  
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FAO-300-2021 (O&M)

Date of decision: 29.09.2021

Prime Traders

..Appellant

Versus

Gurpal Puri and ors.

..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mohd. Yousaf, Advocate for the appellant.

Ms. Ritu Punj, Advocate for the Insurance Company.

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**ANIL KSHETARPAL, J (Oral)**

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

In a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, the Motor Accidents Claims Tribunal, Barnala, has assessed the compensation at Rs.3,89,300/- along with interest.

The Tribunal has found that even though, the vehicle was insured, yet, the driver i.e. Dharam Singh did not possess the driving licence to drive the Bolero Jeep which was being used for transporting the goods.

Learned counsel for the appellant assails the correctness of the aforesaid observation made by the Tribunal granting recovery rights. He contends that Dharam Singh son of Didar Singh did possess the valid driving licence to drive scooter, car and tractor. He submits that since the un-laden weight of the Bolero Jeep is 2700 kg., therefore, no specific endorsement on the driving licence to drive such vehicle was required. He relies upon the judgment of a Larger Bench of the Hon'ble Supreme Court in **Mukund Dewangan vs. Oriental Insurance Co. Ltd., 2017(4) RCR (Civil) 111.**

Learned counsel appearing for the insurance company admits that as per the interpretation given by the Hon'ble Supreme Court, no other special endorsement to a drive light motor vehicle including the transport vehicle was required. However, she submits that the aforesaid judgment has been referred to a Larger Bench for reconsideration in the case of **M/s Bajaj Alliance General Insurance Co. Ltd. vs. Rambha Devi, Civil Appeal No.841 of 2018**, vide an order dated 03.05.2018.

Keeping in view the aforesaid facts, it is considered appropriate to dispose of the appeal with the observation that if the Larger Bench of the Hon'ble Supreme Court in the aforesaid matter upholds the opinion taken in **Mukund Dewangan (supra)**, then the appeal filed by the appellant shall be deemed to have been allowed. However, learned counsel for the appellant submits that if the Larger Bench reverses the view taken in **Mukund Dewangan (supra)**, he will address arguments on other points. Accordingly, the appeal is disposed of with liberty to the appellant to file an application for revival, if the Larger Bench reversed or modifies the law laid down in **Mukund Dewangan (supra)**.

With the aforesaid observations, the present appeal is disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

29.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE