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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgment delivered on: 12th July, 2021

\+ MAC.APP. 201/2021

BAKSHA RAM ..... Appellant

versus

SMT. HEENA AND ORS. ..... Respondents

Advocates who appeared in this case:

For the Appellant: Mr. Pallav Gupta, Mr. Ravin Rao and Mr. Akshit Sawal, Advocates.

For the Respondents : Mr. A.K.Soni and Mr. Pavan Kumar Vashishth, Advocates for R-7.

CORAM:-
HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. The hearing was conducted through video conferencing.

2. Appellant (owner of the offending vehicle) impugns judgment dated 18.09.2020 passed by the Motor Accident Claims Tribunal to the limited extent that it grants recovery right to the insurance company i.e. respondent No.7 against the appellant as well as the driver of the offending vehicle.

3. Learned counsel for the appellant submits that the driver has

already expired.

4. Learned counsel for the appellant submits that the driving license of the driver was valid upto 10.11.2014 and the subject accident took place on 05.12.2014.

5. He submits that in terms of second proviso to Section 14 of the Motor Vehicles Act, 1988 (hereinafter referred to as the Act) the driving license continues to be effective for a period of 30 days from the date of its expiry and as such the Tribunal has erred in holding that the driver was not holding a valid driving license at the time of the accident and there is a violation of the terms and conditions of the insurance policy.

6. Learned counsel relies on the decision of a coordinate bench of this Court dated 09.01.2019 in MAC.APP.866/2017 titled *New India Assurance Company Ltd vs. Santoshi Devi &Ors*.

7. Section 14 of the Act reads as under:

> *"14. Currency of licences to drive motor vehicles.—*
>
> *(1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.*
>
> *(2) A driving licence issued or renewed under this Act shall,—*

(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years:

Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and

(b) in the case of any other licence,—

(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of fifty years on the date of issue or, as the case may be, renewal thereof,— fifty years on the date of issue or, as the case may be, renewal thereof,—

(A) be effective for a period of twenty years from the date of such issue or renewal; or

(B) until the date on which such person attains the age of fifty years, fifty years, whichever is earlier;

(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:

Provided that every driving licence shall, notwithstanding its expiry under this sub-section continue to be effective for a period of thirty days from such expiry."

8. In terms of proviso to Section 14, every driving licence, notwithstanding its expiry, continues to be effective for a period of 30 days from such expiry.

9. Further, Section 15 (1) of the Act prescribes that on an application being made, the licensing authority shall renew the driving license with effect from the date of its expiry, however, if an application is made more than 30 days after date of the expiry, the driving licence shall be renewed with effect from the date of its renewal.

10. Section 15, in fact, reaffirms the proviso to Section 14 that the driving licence continues to remain effective for a period of 30 days from its expiry.

11. In the present case, the accident had taken place on 05.12.2014, which was within 30 days of the expiry of the driving licence on 10.11.2014. Accordingly, the driving licence was effective on the date on which the accident took place.

12. Since the driving licence continued to be effective on the date of the accident, the contention of the insurance company as noticed by

the impugned order that there was a violation of the terms and conditions of the insurance policy is not sustainable.

13. The condition of the subject insurance policy is that the driver of the vehicle should hold a valid driving licence as on the date of the accident.

14. As noticed hereinabove since the driving licence continues to remain effective for a period of 30 days from the date of its expiry in terms of Section 14 of the Act, it cannot be held that the driver was not holding a valid driving licence as on the date of the accident.

15. Reference may also be had to the judgment of the Supreme Court in *National Insurance Company Vs. Swaran Singh & Ors. (2004) 3 SCC 297* wherein the Supreme Court has specifically held that the proviso appended to Section 14 in unequivocal term states that the licence remains valid for a period of 30 days from the day of its expiry.

16. In view of the above, the finding returned by the tribunal that the driver was not holding a valid driving licence at the time of accident is not sustainable and is set aside. Consequently, the right of recovery granted to the insurance company from the owner and driver of the vehicle is also set aside.

17. The appeal is accordingly allowed in the above terms.

18. For the purposes of record it may be noticed that there is no challenge to the quantum of compensation awarded to the claimants. In view of the above, insurance company is directed to deposit the awarded amount, (if not already done so) with the tribunal within a period of two weeks from today. On deposit of the amount the Tribunal shall disburse the same to the claimants as per the scheme of disbursal.

CM APPLN. 19273/2021 (Exemption – Requisite amount)

19. Since the appeal of the appellant has been allowed, the appellant is exempted from depositing the statutory amount.

20. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

JULY 12, 2021
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