

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

Sr. No.125

**FAO-563-2022 (O&M)
Date of decision : 22.02.2022**

The Oriental Insurance Company Limited

..... Appellant

VERSUS

Amarjit Singh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Anil Mehra Advocate and
Mr. Sidhant Mehra, Advocate, for the appellant.

SUDHIR MITTAL, J. (Oral)

The insurance company has filed this appeal challenging the award of the Tribunal, whereby, compensation amounting to Rs.13,30,600/- has been awarded on account of death of Gurpreet Singh.

According to the claim petition, the father of the deceased, namely, Amarjit Singh was standing at the main road of bus stand Thuthianwali when he saw his son-Gurpreet Singh (deceased) and his friend, namely, Gupreet Singh @ Sukha riding a motorcycle. They were going towards Mansa. While, he was still watching them, he saw that the motorcycle was hit by a Tanker being driven at a very high speed and in a rash and negligent manner. This resulted in the death of Gurpreet Singh. The Tribunal has returned a finding of rash and negligent driving by the driver of the Tanker and has awarded the compensation aforementioned.

The quantum of compensation is not under challenge. The only challenge is that the driver of the Tanker was not holding a valid license to drive a transport vehicle carrying hazardous goods. In this regard, reliance has been placed upon Rule 9 of the Central Motor Vehicles Rules, 1989.

The said rule has been interpreted by the Tribunal to mean that the driver of a transport vehicle carrying hazardous goods must be able to read one of the languages mentioned in the VIII Schedule of the Constitution as well as English and also possess a certificate of having successfully passed a course consisting of syllabus and periodicity specified in the rule and connected with transport of such goods. This interpretation is correct and is borne out by perusal of Rule 9 (supra). Regarding the possession of certificate, it has been held that the driver was not cross-examined on this point and thus, the plea cannot be raised in arguments.

Reliance upon judgment dated 07.02.2019 passed by this Court in FAO-8365-2014 and FAO-3252-2015 titled as Sarabjit Kaur and others Vs. Mohan Singh and others is misconceived as the said judgment is distinguishable on facts.

In my considered view, no error exists in the finding of the appellate Court.

The appeal has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

22.02.2022
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No