

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

FAO No.2014 of 1994
Date of Decision: 31.01.2023

The New India Assurance Company Limited

...Appellant

Versus

Babu Lal & others

...Respondents

FAO No.2015 of 1994

The New India Assurance Company Limited

...Appellant

Versus

Smt. Krishna Devi & others

...Respondents

FAO No.2016 of 1994

The New India Assurance Company Limited

...Appellant

Versus

Om Parkash & others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Neeraj Khanna, Advocate,
for the appellant-Insurance Company in all the appeals.

Ms. Neeraj Chandel, Advocate,
for respondent No.1-claimant
(in FAOs No.2014 & 2016 of 1994).

Ms. Indu Bala, Advocate,
for respondents No.1 to 3-claimants
(in FAO No.2015 of 1994)

Mr. Gautam Kaile, Advocate,

for respondent No.2 (in FAO No.2014 of 1994) &
for respondent No.4 (in FAOs No.2015 & 2016 of 1994).

Respondent No.3 (in FAO No.2014 of 1994) and
respondent No.5 (in FAO Nos.2015 & 2016 of 1994)
reported to have died.

Respondents No. 4 & 5 (in FAO No.2014 of 1994) and
Respondents No. 6 & 7 (in FAO No.2015 of 1994) and
respondents No.2 & 3 (in FAO No.2016 of 1994)
proceeded against *ex-parte*.

Name of respondent No.6 (in FAOs No.2014 & 2016 of 1994)
has been struck off.

Name of respondent No.8 (in FAO No.2015 of 1994)
struck off vide the order dated 28.05.2019.

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MEENAKSHI I. MEHTA, J.

All the three above-captioned appeals are being taken up together for discussion and adjudication as these have arisen out of the common Award passed by learned Motor Accident Claims Tribunal, Narnaul (for short 'the Tribunal') on 31.01.1994, whereby the Claim Petitions filed by the appellants-claimants (here-in-after to be referred as 'the claimants') have been allowed but the Claim Petition filed by Rajender s/o Chhaju Ram has been dismissed.

2. Bereft of unnecessary details, the facts leading to the filing of the present appeals, are that on the fateful day, i.e 23.08.1991, claimants Babu Lal and Om Parkash, along-with Lal Chand, Mahender and some other passengers, were travelling in the Matador bearing Registration No. DL-IV-0427 (for short 'the offending vehicle') which was being driven by Rajender (arrayed as respondent No.4, 6 and 2 in FAOs No.2014, 2015 and

2016 of 1994 respectively). When they reached in the area of Village Bhilwara, a Tractor having Registration No.HRO-1926, with the Trolley attached to it, came from the opposite direction and it was being driven by respondent-Surat Singh and both the afore-said vehicles collided with each other. Resultantly, the above-named driver of the offending vehicle as well as the passengers travelling in the same, sustained multiple injuries in this accident and Mahender succumbed to his injuries at the spot whereas Lal Chand died in the hospital. Respondent No.1-Babu Lal (in FAO No.2014 of 1994) and respondent No.1-Om Parkash (in FAO No.2016 of 1994) had filed separate petitions for seeking compensation on account of the injuries suffered by them and respondents No.1 to 3 (in FAO No.2015 of 1994) had moved the petition for claiming compensation on account of the death of Lal Chand, in the afore-said accident.

3. Respondents Surat Singh and Sajjan Singh, the driver and the owner of the above-mentioned Tractor filed their joint written statement and respondents Rajender and Raj Kumar, the driver and the owner of the offending vehicle, filed their written statements and respondent-New India Assurance Company Ltd filed its separate written statement, contesting the claim, as set-forth by the claimants in their respective petitions, on various grounds. The Tribunal put the parties to the trial by framing the issues. After appreciating and evaluating the evidence as led by the parties on the record and hearing their learned counsel, the Tribunal passed the impugned Award, dismissing the claim petition filed by driver-Rajender and granting compensation of Rs.3.2 lac to respondents No.1 to 3-claimants in FAO No.

2015 of 1994, Rs.1 (one) lac to respondent No.1-claimant in FAO No.2014 of 1994 and Rs.10,000/- to respondent No.1-claimant in FAO No.2016 of 1994, along-with interest @ 12% per annum from the date of filing of these petitions till the realization of the award amount. Feeling aggrieved by this Award, the appellant-Insurance Company has preferred the instant appeals.

4. I have heard learned counsel for the appellant-Insurance Company, learned counsel for the respondents-claimants as well as learned counsel for the respondent-driver of the Tractor, in the present appeals and have also perused the record carefully.

5. Learned counsel for the appellant contends that the offending vehicle, i.e the Matador, is a passenger carrying vehicle whereas its driver, i.e the respondent named Rajender, was having the licence to drive the Car and Jeep only and thus, he was not duly authorized to drive the offending vehicle and it being so, the appellant-Insurance Company could not be fastened with the liability to pay the compensation to the claimants.

6. Per-contra, learned counsels for the claimants argue that the offending vehicle (Matador) is also a 'light motor vehicle' like the Car and Jeep and therefore, the driving licence of its driver has to be construed to be a valid one and hence, the Insurance Company cannot escape its liability to pay the award amount to the claimants.

7. Exhibit RX is the copy of the driving-licence of said Rajender, the driver of the offending vehicle (Matador) wherein he is shown to have been authorized to drive the 'Car and Jeep'. Concededly, both the afore-referred motor vehicles fall within the category of 'Light Motor Vehicle'.

Then, a perusal of Exhibit RY, i.e the copy of the Registration-Certificate of the offending vehicle, also reveals that the same has been categorized therein as 'LMV', i.e Light Motor Vehicle. Though, the offending vehicle was a passenger carrying vehicle, i.e the transport vehicle but this fact is of no avail to the appellant-Insurance Company to seek its exoneration from the liability to pay the compensation to the claimants, in view of the verdict rendered by the three Judges' Bench of Hon'ble the Supreme Court in **Mukund Dewangan vs. Oriental Insurance Company Limited 2017(4) SCC 663** to the effect that "*when the driver is holding the licence to drive 'light' motor vehicle, he is competent to drive a 'transport vehicle' of that category without specific endorsement to drive the transport vehicle*",

8. In view of the fore-going discussion, this Court is of the considered opinion that the impugned Award does not suffer from any illegality, infirmity, irregularity or perversity so as to warrant any interference by this Court. Resultantly, all the three appeals in hand, being *sans* any merit, stand dismissed.

31.01.2023

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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>