

FAO-78-2014 (O&M) with
FAO-1253-2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on:- 08.08.2023

Pronounced on:- 22.09.2023

(1) FAO-78-2014 (O&M)

Bijanti and others

...Appellants

Versus

Shiv Kumar and others

...Respondents

(2) FAO-1253-2014 (O&M)

The United India Insurance Co. Ltd.

... Appellant

Versus

Bijanti and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Ravinder Rana, Advocate
for the appellants in FAO-78-2014 and
for respondents No. 1 to 6 in FAO-1253-2014.

Mr. B.K. Bagri, Advocate
for respondents No. 1 and 2 in FAO-78-2014
and for respondents No. 7 and 8 in FAO-1253-2014.

Mr. D.K. Dogra, Advocate
for the appellant in FAO-1253-2014
and for respondent No. 3 in FAO-78-2014.

AMARJOT BHATTI, J.

1. The appellants – Bijanti and her minor children namely Deepak, Divya Kumari, Nisha Kumari and Manisu (through their mother i.e. appellant No. 1 being natural guardian) have filed the instant appeal

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bearing FAO No. 78 of 2014 for modification and enhancement of compensation awarded by the Tribunal vide impugned Award dated 18.04.2013 passed by learned Motor Accident Claims Tribunal, Jhajjar, whereas, the appellant – The United India Insurance Company Limited has filed appeal bearing FAO No. 1253 of 2014 for setting aside the impugned Award as referred above. Both these appeals have arisen out of the same Award dated 18.04.2013, therefore, the appeals are taken up together for disposal.

2. The facts of the case are that Bijanti and minors namely Deepak, Divya Kumari, Nisha Kumari and Manisu (through their Natural Guardian, mother i.e. petitioner No. 1 Bijanti) and Shanti Devi (who expired during the pendency of claim petition) had filed claim petition under Section 166 and 140 of the Motor Vehicles Act, 1988 for grant of compensation of Rs. 25,00,000/- alongwith interest @24% per annum on account of death of Rajesh Prasad in a Motor Vehicular accident. It is submitted that at the time of accident, deceased Rajesh Prasad was 34 years old and was doing the job of “Helper” in M/s Super Industries, M.I.E., Bahadurgarh and earning Rs. 5,500/- per month. On the fateful day of 08.12.2006, at about 10:30 a.m. Rajesh Prasad alongwith his brother-in-law Dinesh Kumar were going from Modern Industrial Area, Post Office Bahadurgarh to their residence on their respective cycles. When they reached near Mama Chowk, M.I.E. Bahadurgarh, all of a sudden one Tractor bearing Registration No. HR-13-8914 with water-tanker which was being driven by respondent No. 2 Satya Narain came from the side of Bhadurgarh in a rash, negligent and reckless manner at a very high speed and hit the bicycle of Rajesh Prasad with great force. Due to the impact,

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Rajesh Prasad fell down and died on the spot. Regarding this accident, FIR No. 293 dated 08.12.2006 under Section 279, 304-A of I.P.C. was registered against respondent No. 2 at Police Station City, Bahadurgarh. Hence, the claim petition.

3. The claim petition was contested by all the respondents. In the joint written statement filed by respondents No. 1 and 2, preliminary objections regarding maintainability, cause of action, not approaching the Court with clean hands were taken. It is admitted that the respondent No. 1 is the owner of Eicher Tractor referred above. However, it is submitted that the alleged accident was caused due to the negligence and recklessness of deceased cyclist Rajesh Prasad. The offending vehicle was insured with respondent No. 3, therefore, the answering respondents are not liable to pay any compensation, as alleged. On merits, all the facts were denied. It was claimed that the amount mentioned in the claim petition is highly exaggerated. Neither the vehicle of the respondent No. 1 was involved nor the respondent No. 2 was responsible in any manner for causing alleged accident. Hence, it was prayed that the claim petition may be dismissed with costs.

4. The Insurance Company – respondent No. 3 also filed separate written reply taking the stand that claim petition was not maintainable in the present form. It was alleged that the offending Tractor was involved in the accident in-collusion with local police. The occurrence of alleged accident was denied by the answering respondent. It was submitted that according to the petition, driver of Tractor was driving the Tractor attached with water-tanker for supply the water to the residents of the area of Bahadurgarh at the time of accident. Therefore, the driver of the

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Tractor was required to possess Driving License qua Heavy Transport Vehicle. However, he was not possessing the same. The Tractor with water-tanker was driven in violation of terms and conditions of insurance policy. Therefore, the answering respondent is not liable to pay any compensation to the petitioners. On merits, all the facts were denied for want to knowledge with the prayer that the claimants/petitioners may be put to strict proof of the income of deceased victim and regarding the claim for compensation. It was prayed that the claim petition filed by the petitioners may kindly be dismissed qua the answering respondent – Insurance Company.

5. From the pleadings of the parties, following issues were framed by the Tribunal on 12.01.2011 :-

(1) Whether the accident in question causing death of Rajesh Prasad had taken place due to the rash and negligent driving of Tractor bearing registration No. HR-13-8914 by its driver, respondent No. 2? OPP

(2) If issue No. 1 is proved, whether the petitioners being the legal representatives of deceased Rajesh Prasad are entitled to the compensation for the death of Rajesh Prasad having been occurred in the accident in question, if so, to what amount and from whom? OPP

(3) Whether respondent No. 2 was not having a valid and effective driving license at the time of accident, if so, its effect? OPR-3

(4) Whether the petitioners have no locus-standi to file the present petition? OPR-3

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(5) *Whether the insured had violated the terms and conditions of the insurance policy, if so, to what effect?* OPR-3

(6) *Relief.*

6. In order to prove the claim petition, the petitioner No. 1 Bijanti herself stepped into the witness box as PW-1 and deposed through her duly sworn affidavit Ex.PW1/A. The petitioners further examined Ram Niwas, Deputy Superintendent, General Hospital, Bahadurgarh as PW-2 and Lal Babu Singh as PW-3. Thereafter, learned counsel for the petitioners tendered certified copy of report under Section 173 Cr.P.C. as Ex.P-2 and inspection report of offending vehicle as Ex.P-3 and closed the evidence.

7. In order to rebut the case of the petitioners/claimants, the learned counsel for respondent No. 2 Satya Narain himself stepped into the witness box as RW-1 and deposed through his duly sworn affidavit Ex.RW1/A. The respondents further examined Ravinder Kumar, Registration Clerk, RTA Authority, Bahadurgarh as RW-2, Satish Kumar, R.C. Clerk, RTA Authority, Jhajjar as RW-3 and Sunil Kumar, DRK, Judicial Branch, Jhajjar as RW-4. Thereafter, learned counsel for the respondents No. 1 and 2 tendered into documentary evidence copy of driving license as Ex.R-1, copy of Registration Certificate as Ex.R-2, copy of Insurance Policy as Ex.R-3, certified copy of judgment dated 01.10.2007 as Ex.R-4, certified copy of statement of Dinesh as Ex.R-5 and closed the evidence. On the other hand, learned counsel for respondent No.3 tendered certified copy of Insurance Policy as Ex.R-6 and closed the evidence.

8. After hearing the arguments advanced by learned counsel for

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all the parties, the claim petition filed by the petitioners/claimants was allowed by passing impugned Award dated 18.04.2013 vide which compensation to the tune of Rs. 6,00,000/- with interest at the rate of 7.5% per annum from the date of institution of the petition till its actual realization was awarded, as detailed therein.

9. Feeling aggrieved of this Award, the appeal bearing FAO No.78 of 2014 has been preferred by appellants/claimants Bijanti and others, whereas, the appeal bearing FAO No.1253 of 2014 has been preferred by the appellant/Insurance Company.

I have heard the arguments of learned counsels representing the parties in both the appeals. Learned counsel for the appellants/claimants in FAO-78-2014 argued that the learned Motor Accident Claims Tribunal, Jhajjar passed the Award dated 18.04.2013 vide which the compensation was granted to the tune of Rs. 6 lacs alongwith interest @7.5% per annum from the date of claim application till realization of the amount, which is inadequate and the award passed by the Tribunal is liable to be modified. It is pointed that the factum of accident was proved on record by examining one of the eye-witness Lal Babu Singh PW-3. On the fateful day of 08.12.2006, at about 10:30 A.M. the deceased victim Rajesh Prasad alongwith Dinesh Kumar were coming on their separate cycles from Modern Industrial Area, Bahadurgarh towards their residence and when they reached near Mama Chowk, M.I.E. Bahadurgarh, the offending Eicher Tractor bearing Registration No. HR-13-8914 alongwith water-tanker came at a high speed in a rash and negligent manner and hit against the cycle of Rajesh Prasad. In this accident, Rajesh Prasad suffered serious injuries, as a result, he lost his life. Regarding this

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accident, FIR bearing No. 293/08.12.2006 was registered under Section 279/304-A of IPC, Police Station City, Bahadurgarh. The copy of Postmortem Report is Ex. P-1. The claim application was filed by the present appellants/claimants i.e. Bijanti – widow alongwith four minor children – claimants No. 2 to 5 and claimant No. 6 Shanti Devi who died during the pendency of the claim petition. The deceased Rajesh Prasad was working as a Helper with M/s Super Industries, M.I.E., Bahadurgarh and was drawing salary of Rs. 5500/- per month. The entire family was dependent upon him. However, the learned Motor Accident Claims Tribunal, Jhajjar while assessing the quantum of compensation has wrongly taken the income of deceased as Rs. 4500/- per month. Similarly, inadequate compensation of Rs. 20,000/- has been granted regarding the expenditure on funeral and last rites. The compensation awarded for loss of consortium as well as loss of supervision and guidance of a father towards his children as Rs. 8800/- is also inadequate and meager. The interest awarded by the learned Motor Accident Claims Tribunal, Jhajjar is also towards the lower side. It is prayed that the appellants/claimants are entitled to enhanced amount of compensation. Therefore, the Award dated 18.04.2013 passed by the learned Motor Accident Claims Tribunal, Jhajjar may kindly be modified.

10. On the other hand, the learned counsel for the appellant/insurance company in FAO-1253-2014 argued that in the case in hand, the accident or rash and negligent driving on the part of Satya Narain – respondent No. 2 was not proved on record. The evidence led by the claimants was not trustworthy. As per their own version, Rajesh Prasad was returning home alongwith Dinesh Kumar. However, the claimants

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failed to examine Dinesh Kumar, author of the F.I.R. as witness before the learned Motor Accident Claims Tribunal, Jhajjar. The learned counsel for the appellant/insurance company pointed out that learned counsel for insurance company had examined Sunil Kumar, DRK, Judicial Branch, Jhajjar as RW-4 who had proved on record the copy of judgment in Criminal Case No. 239 of 2006 decided on 01.10.2007, case titled “State Versus Satya Narain” where Satya Narain was acquitted of the charge framed against him for want of evidence. Copy of judgment is Ex.R-4 and copy of statement of Dinesh Kumar recorded before the Criminal trial Court is Ex.R-5. The statement of Lal Babu Singh PW-3 was wrongly relied upon by the learned Motor Accident Claims Tribunal, Jhajjar. There is nothing on record to show that he was eye-witness to the accident. Infact, Satya Narain – respondent No. 2 arrayed as driver stepped into the witness box as RW-1. He deposed that police had come to his house on 08.12.2006. He was falsely involved in the accident case. He had filed application Ex.R-7 regarding his false implication and ultimately he was acquitted of the charge framed against him in the said FIR and the copy of judgment is Ex.R-4. The learned Motor Accident Claims Tribunal, Jhajjar has totally ignored the aforesaid facts and wrongly came to the conclusion regarding issue No. 1 that the accident was caused due to rash and negligent driving of Satya Narain, driver – respondent No. 2.

The learned counsel for the appellant/insurance company further raised the issue that Satya Narain, the alleged driver of the Tractor bearing No. HR-13-8914 was not holding the valid effective driving license at the time of accident which is Ex.R-1. As per this driving license, he was competent to drive light transport vehicle and a tractor only. The

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registration certificate of the aforesaid Tractor is Ex.R-2 and the unladen weight of the Tractor is 1650 kg. At the time of accident, the said Tractor was carrying a water-tanker, therefore, the total weight of the alleged offending Tractor had exceeded the permissible limit. The driver was supposed to have a driving license for Heavy Goods Vehicle/Heavy Transport Vehicle. Therefore, the Tractor was being driving in contravention of the terms and conditions of insurance company. The learned counsel for appellant/insurance company has relied upon the authority of ***Delhi High Court*** cited in ***2014(83) R.C.R.(Civil) 1*** in case titled “**New India Assurance Co. Ltd. Versus Sanjay Singh & Ors.**”. In this case, *the Tractor hit a car and its driver had sustained injuries. The insurance company disputed its liability on the ground of breach of policy as the offending Tractor was being driven on road. During evidence, it came on record that the Tractor was coming out of the field and this showed that the Tractor was used for agricultural purposes.* In that case, there was no evidence produced on record to show that the Tractor was used for any commercial purpose by the owner of the said Tractor at the time of accident. Therefore, the aforesaid authority relied upon by learned counsel for appellant/insurance company does not support their version. The learned counsel for appellant/insurance company further relied upon authority of the ***Madhya Pradesh High Court***, cited in ***2004(1) ACJ 321***, in case titled “**Rajabeti and Anr. Versus Ramshri and Ors.**”, where in that case, *the insurance company had taken the plea that the Tractor-trolley was not being used for agricultural purposes, therefore, there was breach of the terms and conditions of insurance policy. In that case, the person was sitting on the edge of the Tractor-trolley and he fell out of*

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Tractor and was run over and lost his life. In that case, it was held that insurance company was not liable to pay compensation. But in the case in hand, the aforesaid authority relied upon by the appellant-insurance company is not applicable to the facts of the present case.

The learned counsel for the appellant/insurance company further raised the issue that the Tractor was being used in contravention of the terms and conditions of insurance policy. As per the registration certificate of the offending Tractor Ex.R-2, it was to be used only for agricultural purposes. However, at the time of accident, the Tractor was carrying water-tanker in the Municipal Limits of Bahadurgarh. Therefore, there was contravention of the terms and conditions of insurance policy and for this reason the insurance company cannot be held liable to pay the amount of compensation awarded by the learned Motor Accident Claims Tribunal, Jhajjar. Even the quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Jhajjar is without justification. The Postmortem Report was not proved by examining any doctor. The age, profession and the income of deceased is also not proved on the file. The findings of learned Motor Accident Claims Tribunal, Jhajjar are liable to be reversed, holding the liability of insurance company to pay the compensation alongwith interest as detailed in the impugned Award dated 18.04.2013. It is prayed that the appeal preferred by the appellant/insurance company may kindly be accepted.

11. I have considered the arguments advanced by learned counsel for the appellants/claimants in FAO-78-2014 as well as learned counsel for appellant/insurance company in FAO-1253-2014 and have gone through the trial Court record carefully. Smt. Bijanti and others filed claim petition

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under Section 166 of Motor Vehicles Act, 1988 for grant of compensation on account of death of Rajesh Prasad in a motor vehicular accident, allegedly caused by respondent No. - 2 while driving his Tractor bearing registration No. HR-13-8914 rashly and negligently. The claim application has been filed under Section 166 of Motor Vehicles Act, 1988, therefore, the onus was on the claimants to establish the rash and negligent driving on the part of respondent No. 2 regarding which specific issue No. 1 was framed by the learned Motor Accident Claims Tribunal, Jhajjar. The learned counsel for claimants had examined Lal Babu Singh as PW-3. He categorically stated that on the fateful day of 8.12.2006, at about 10:30 A.M. late Rajesh Prasad and Dinesh Kumar were returning on their respective cycles from Modern Industrial Area, Post Office Bahadurgarh and when they were near Mama Chowk, M.I.E. Bahadurgarh, the offending Tractor alongwith water-tanker bearing registration No. HR-13-8914 came from the side of Bahadurgarh at a high speed in a rash and negligent manner and hit the cycle of Rajesh Prasad. Rajesh Prasad suffered serious injuries on account of which he lost his life. Apart from this, the learned counsel for claimants has placed on record copy of FIR No. 293/08.12.2006 under Section 279, 304-A I.P.C. Police Station City, Bahadurgarh. Later on, the investigation was carried out and respondent No. 2 - Satya Narain, driver of the aforesaid Tractor with water-tanker was challaned. However, during the trial Dinesh Kumar did not support the prosecution version, as a result, Satya Narain – respondent No. 2 was acquitted of the charge framed against him on account of lack of evidence. The copy of judgment of acquittal dated 01.10.2007 in Criminal Case No. 239 dated 23.12.2006 is Ex.R-4. However, in the case in hand, the accident

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is proved on record from the testimony of other eye-witness Lal Babu Singh, who is examined as PW-3. The accident, registration of FIR against Satya Narain – respondent No. 2 and presentation of challan are not disputed. The statement of Lal Babu singh recorded as PW-3 before learned Motor Accident Claims Tribunal, Jhajjar is sufficient to prove the factum of accident as well as rash and negligent driving on the part of respondent No. 2 who while driving the Tractor with water-tanker rashly and negligently hit the same against the cycle of Rajesh Prasad. The victim succumbed to the injuries suffered by him in the accident. Copy of Postmortem Report is Ex.P-1. On this point, I am supported by the authority cited in ***Civil Appeal No. 5220 of 2022, Supreme Court of India***, in case titled “**Janabai wd/o Dinkarrao Ghorpade & Ors. Versus M/S. I.C.I.C.I. Lambord Insurance Company Ltd.**”, under Section 166 of Motor Vehicles Act, 1988, where it was explained in para No. 10, which reads as under : -

“10. We find that the rule of evidence to prove charges in a criminal trial cannot be used while deciding an application under Section 166 of the Motor Vehicles Act, 1988 which is summary in nature. There is no reason to doubt the veracity of the statement of appellant no. 1 who suffered injuries in the accident. The application under the Act has to be decided on the basis of evidence led before it and not on the basis of evidence which should have been or could have been led in a criminal trial. We find that the entire approach of the High Court is clearly not sustainable.”

There are number of other authorities where it is clearly mentioned that any claim petition under Section 166 of Motor Vehicles Act, 1988 is to be decided on the basis of evidence led before the Tribunal.

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Therefore, I do not agree with the arguments advanced by learned counsel for the appellant/insurance company in FAO-1253-2014. The findings given by the learned Motor Accident Claims Tribunal, Jhajjar pertaining to issue No. 1 regarding the accident caused by Satya Narain – respondent No.2 due to his rash and negligent driving while driving Tractor bearing registration No. HR-13-8914 does not require any interference and the findings are accordingly upheld.

12. The learned counsel for appellants/claimants in FAO-78-2014 pointed out that quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Jhajjar vide Award dated 18.04.2013 is towards the lower side. It is claimed that the deceased victim Rajesh Prasad was working as a “Helper” with Modern Industrial Area, Post Office Bahadurgarh and was getting salary of Rs. 5,500/- per month. In order to prove the quantum of compensation, the learned counsel for claimants examined Bijanti – claimant No. 1 as PW-1 and during her cross-examination, she conceded that she does not possess any proof regarding the employment and income of her late husband. The learned counsel for claimants failed to examine any witness from Modern Industrial Area to establish the employment and salary of Rajesh Prasad. The claimant No. 1 during her cross-examination further stated that she was also working as a “Helper” with Swati Factory, Bahadurgarh and was drawing salary of Rs.3,500/- per month. Therefore, there is nothing on record to show that Rajesh Prasad was working with Modern Industries or he was getting salary of Rs. 5,500/- per month. In the absence of any documentary proof, the income of late Rajesh Prasad is assumed as minimum wages of unskilled worker in Haryana during the time of July, 2006, which is

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mentioned as Rs. 2,484.28/- per month. Therefore, considering this fact, the salary of late Rajesh Prasad is assumed as Rs. 2,500/- per month (round figure). In the claim application, it is mentioned that at the time of accident, he was 34 years of age. When claimant No. 1 stepped into the witness box, she disclosed her age as 32 years. As per the claim application, the age of elder son of late Rajesh Prasad is mentioned about 15 years. However, there is no documentary proof on the file to establish the age of Rajesh Prasad. The learned Motor Accident Claims Tribunal, Jhajjar while considering the aforesaid facts rightly assumed the age of deceased victim in the age group of 41-45 years. By relying upon the authority cited in *2013(3) CivCC 15 Supreme Court of India*, in case titled “**Rajesh and others Vs Rajbir Singh and others**”, considering late Rajesh Prasad a self employed person, 25% increase in income comes out to be Rs. 625/- and the monthly income comes out to be Rs. 3,125/- and annual income comes out to be Rs. 37,500/-. But in the case in hand, learned Motor Accident Claims Tribunal, Jhajjar by giving 50% increase assumed the income of late Rajesh Prasad to the tune of Rs. 4,500/-. However, 1/4th deduction towards personal expenditure and multiplier of 14 was rightly applied by the learned Motor Accident Claims Tribunal, Jhajjar. In the case in hand, the claimants were given Rs. 20,000/- for funeral and last rites and Rs. 8,800/- towards loss of consortium and loss of supervision and guidance of father for the minor children. Otherwise, the claimants were entitled to Rs. 15,000/- towards loss of estate, Rs.15,000/- towards funeral expenditure and towards loss of consortium, the wife was entitled to Rs. 40,000/- and similarly, the children would have been entitled for the loss of love and affection. The learned Motor

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Accident Claims Tribunal, Jhajjar has granted Rs. 6,00,000/- towards the compensation and the sum total of compensation even assessed with the aforesaid income is more or less the same. Therefore, in my opinion, the compensation of Rs. 6,00,000/- granted by the learned Motor Accident Claims Tribunal, Jhajjar is just and reasonable and the same does not require any interference. In view of my discussion, the quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Jhajjar vide Award dated 18.04.2013 does not require any interference.

13. The learned counsel for insurance company in FAO-1253-2014 raised the plea that Satya Narain – respondent No. 2, the driver was not holding valid Driving License and the Tractor bearing registration No. HR-13-8914 was being used in violation of the terms and conditions of the insurance policy. Regarding this fact, specific issues No. 3 and 5 were framed by the learned Motor Accident Claims Tribunal, Jhajjar. The learned Tribunal has dealt with these issues while deciding issue No. 2 in para No. 27 to 36. In the case in hand, the Driving License of respondent No. 2 - Satya Narain, driver is proved on record as Ex.R-1. As per this Driving License, Satya Narain was competent to drive Light Transport Vehicle and Tractor and this Driving License was valid up to 20.11.2010. Therefore, there is a specific recital in the Driving License that respondent No. 2 was competent to drive a Tractor.

The learned counsel for the appellant/insurance company raised the issue that water-tanker was attached with this Tractor-trolley, therefore, the unladen weight of the vehicle was more than which is prescribed for Light Transport Vehicle. Therefore, the driver should have a Driving License to drive heavy goods vehicle. I have considered this

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aspect of the present case. Section 2 clause 21 defines Light Motor Vehicle which means *a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7,500 kilograms*. The Registration Certificate of Tractor bearing registration No. HR-13-8914 is Ex.R-2, according to which the unladen weight of Eicher Tractor is mentioned as 1650 Kg. Therefore, by no means it can be said that the said Tractor, even though attached with a water-tanker became heavy goods vehicle for which the Driving License to drive heavy goods vehicle was required for respondent No. 2.

Thirdly, the learned counsel for appellant/insurance company also took the stand that the Tractor was being plied for a purpose other than agricultural purposes without any permission. Therefore, there was violation of the terms and conditions of insurance policy. The water-tanker was attached with a Tractor Trolley. For this reason it can be said that the Tractor was being used for a purpose different than agricultural purpose. This aspect of the case is rightly dealt by the learned Motor Accident Claims Tribunal, Jhajjar in paras No. 34 and 35 of the judgment. The water-tanker cannot be equated with a 'trailer'. Even as per Section 2 clause 39, it is treated as 'semi-trailer', means *a vehicle not mechanically propelled, which is intended to be connected with a motor vehicle and which is so constructed that a portion of it is super-imposed on, and a part of whose weight is borne by that motor vehicle*.

Therefore, considering the aforesaid facts, there is nothing on record to show that respondent No. 2 Satya Narain was not holding valid Driving License or he was driving Tractor with water-tanker in

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contravention of the terms and conditions of insurance policy. The findings given by the learned Motor Accident Claims Tribunal, Jhajjar pertaining to these issues do not require any interference and the same are accordingly upheld.

14. In view of my above discussion, the learned Motor Accident Claims Tribunal, Jhajjar rightly awarded compensation of Rs. 6,00,000/- alongwith interest in favour of the claimants. The findings given by the learned Tribunal on the issues referred above do not require any interference. Therefore, the Award passed by the learned Motor Accident Claims Tribunal, Jhajjar dated 18.04.2013 is accordingly, upheld. Resultantly, the appeal bearing FAO-78-2014 preferred by appellants/claimants Bijanti and others and the appeal bearing FAO-1253-2014 preferred by The United India Insurance Company Limited are accordingly, dismissed.

The copy of record received from the Tribunal be sent back to the concerned quarter.

Pending application(s), if any, also stands disposed off.

Photocopy of this order be placed on the file of another connected case.

22.09.2023
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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	Yes