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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 629/2024 & CM APPLN 70885-86/2024**
NEW INDIA ASSURANCE COMPANY LTD.Appellant
Through: Mr. Maibam N.Singh, Advocate.

Versus

BHARAT @ BHARAT SINGH & ORS.Respondents
Through: None.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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04.12.2024

1. The present Appeal under *Section 173* of the *Motor Vehicles Act, 1988* has been filed by the Appellant- Insurance Company challenging the Award dated 03.08.2024 whereby compensation in the sum of Rs.3,24,269/- along with interest @ 8% per annum has been awarded to the Respondents-claimants.
2. The sole ground of challenge is that there was violation of Insurance Policy inasmuch as that the owner was not having Fitness Certificate for the offending vehicle.
3. **Submissions heard and record perused.**
4. It is not in dispute that the offending vehicle was a “crane”. As per **Rule 2(cab) of the Central Motor Vehicles Rules, 1989**, the “crane” comes under the category of “**construction equipment vehicle**”, which as per the Explanation to the said Rule is a “Non-Transport Vehicle”.



5. The offending vehicle, which is a crane, is not a transport vehicle, for which no Fitness Certificate is required under Rule 50 of the Act.
6. The learned Tribunal has rightly opined that in view of the specific provisions of the Motor Vehicles Act, there was no requirement for the offending vehicle to have a Fitness Certificate.
7. Learned Counsel on behalf of the Insurance Company has submitted that for all previous years, the owner had been obtaining the Fitness Certificate. The owner might have been obtaining “Fitness Certificate”, but as per law, there is no such requirement.
8. The learned Tribunal has rightly held that there was no breach of Insurance Policy and denied the Recovery Rights.
9. There is no merit in the present Appeal and it is dismissed accordingly.

NEENA BANSAL KRISHNA, J

DECEMBER 04, 2024

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