



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

FAO-1146-1994(O&M)

Reserved on : 12.08.2025

Date of decision: 13.08.2025

United India Insurance Company Ltd.

..Appellant

Versus

Balwinder Kaur and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Gaurav Gupta, Advocate for the appellant

Respondents proceeded against ex-parte vide order dated
12.08.2025

MANDEEP PANNU, J.

1. The present appeal has been filed by the appellant-United India Insurance Company Limited, against the award dated 22.02.1994 passed by the learned Motor Accidents Claims Tribunal (hereinafter referred to as 'Tribunal') in favour of Balwinder Kaur and others (legal representatives of the deceased-Baj Singh) and against Roop Chand, the driver of the offending vehicle.

2. Learned counsel for the appellant contends that the learned Tribunal erred in fastening liability upon the Insurance Company, as the driver of the offending vehicle was allegedly not holding a valid driving licence to drive the Medium Transport Vehicle involved in the accident. It is urged that "MTV" endorsement on the licence was inserted subsequently, and that the driver was, therefore,



not competent to operate the said vehicle. On this basis, it is submitted that the Tribunal ought to have granted recovery rights to the Insurance Company.

3. I have considered the submissions made by learned counsel for the appellant and have carefully gone through the record.

4. The learned Tribunal has dealt with this issue in detail while recording its findings on Issue No. 4. It has been specifically observed that respondent No. 1, Roop Chand, was duly authorised to drive a car, and that such authorisation was extended to the driving of a tempo (the offending vehicle) in question. The Tribunal referred to the definitions under the Motor Vehicles Act, 1988, noting that:

“A "Light Transport Vehicle" means a transport vehicle or omnibus whose gross vehicle weight or unladen weight does not exceed 6000 kg, and includes motor cars, tractors, and road rollers within the specified weight limit.

A "Medium Passenger Motor Vehicle" means any public service vehicle, private service vehicle, or educational institution bus, other than a motorcycle, invalid carriage, light motor vehicle, or heavy passenger motor vehicle.

A "Motor car" means a motor vehicle other than a transport vehicle, omnibus, road roller, tractor, motorcycle, or invalid carriage.”

5. On the basis of these definitions, the Tribunal rightly concluded that if Roop Chand was authorised to drive a medium transport vehicle, he was also competent to drive a four-wheeler such



as the offending tempo. The evidence on record established that respondent No. 1 was holding a valid driving licence, duly endorsed (No. 3314), authorising him to drive a car. Consequently, the plea of the appellant-Insurance Company that it was not liable under the policy was found to be without merit.

6. There is no illegality or perversity in the findings recorded by the learned Tribunal. Respondent No. 1-Roop Chand’s licence was valid and effective at the relevant time, and the appellant-Insurance Company cannot escape its liability to satisfy the award. Hence, no ground is made out to interfere with the impugned award or to grant recovery rights to the appellant.

7. Accordingly, the appeal stands dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

	(MANDEEP PANNU)
	JUDGE
13.08.2025	
rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No