



FAO-5971-2010 (O&M)

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

(226-1)

FAO-5971-2010 (O&M)

DATE OF DECISION:- 03.02.2025

UNITED INDIA INSURANCE COMPANY LIMITED**...APPELLANT****VERSUS****VISHNU KUMAR AND OTHERS****...RESPONDENTS**

(226-2)

FAO-5972-2010 (O&M)

UNITED INDIA INSURANCE COMPANY LIMITED**...APPELLANT****VERSUS****SANJAY KUMAR AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Neeraj Khanna, Advocate
for the appellant in both the cases.

None for the respondents.

SUVIR SEHGAL, J. (Oral)

**CM-26823-CII-2010 IN FAO-5971-2010 &
CM-26826-CII-2010 IN FAO-5972-2010**

1. For the reasons given in the applications, they are allowed.
2. Delay of 11 days in re-filing of the appeals is condoned.

**FAO-5971-2010 (O&M) &
FAO-5972-2010 (O&M)**

3. This order shall dispose off both the above noted appeals, which have been filed by the appellant-Insurance Company, assailing common award dated 27.05.2010 passed by the Motor Accident Claims Tribunal (for short



“the Tribunal”), Bhiwani. For the sake of convenience, factual position is being taken from FAO-5971-2010.

4. Facts leading to the filing of the appeal are that on 31.05.2008, Vishnu (claimant-respondent No.1 in FAO-5971-2010) was driving his three wheeler ferrying several passengers, including Badan Singh and Sanjay (claimant-respondent No.1 in FAO-5972-2010). The three wheeler was hit by a pickup *Dalla* bearing No. HR-61-1435 driven at a high speed by Satbir in a rash and negligent manner resulting into injuries to the three wheeler driver as well some of the passengers. FIR No.206 dated 31.05.2008 was lodged by Vishnu under Sections 297 and 337 of the IPC. Three separate petitions, preferred by the injured, claiming compensation on account of the injuries sustained by them have been partly accepted by the Tribunal vide the impugned award. Vishnu was held entitled to compensation of Rs.12,000/- and Sanjay was granted Rs.73,712/- along with interest @ 6% per annum.

5. Mr. Neeraj Khanna, counsel for the appellant-Insurance Company has argued that Satbir, driver of the offending *Dalla*, had a valid license to drive a motor car/car/jeep only and was not authorized to drive a pick-up *Dalla*, which is a commercial vehicle. He asserts that the findings of the Tribunal are erroneous and the appellant cannot be fastened with the liability to pay the compensation to the injured.

6. I have heard counsel for the appellant and considered his submissions.

7. Holding that a driver holding a valid license to drive a Light Motor Vehicle can operate a transport vehicle with a gross vehicle weight under 7,500 kg, Supreme Court in *M/s Bajaj Alliance General Insurance Co. Ltd. v. Rambha Devi, 2025 (1) RCR (Civil) 5*, observed as under:-



“131. Our conclusions following the above discussion are as under:-

(I) A driver holding a license for Light Motor Vehicle (LMV) class, under Section 10(2)(d) for vehicles with a gross vehicle weight under 7,500 kg, is permitted to operate a 'Transport Vehicle' without needing additional authorization under Section 10(2)(e) of the MV Act specifically for the 'Transport Vehicle' class. For licensing purposes, LMVs and Transport Vehicles are not entirely separate classes. An overlap exists between the two. The special eligibility requirements will however continue to apply for, inter alia, e-carts, erickshaws, and vehicles carrying hazardous goods.

(II) The second part of Section 3(1), which emphasizes the necessity of a specific requirement to drive a 'Transport Vehicle,' does not supersede the definition of LMV provided in Section 2(21) of the MV Act.

(III) The additional eligibility criteria specified in the MV Act and MV Rules generally for driving 'transport vehicles' would apply only to those intending to operate vehicles with gross vehicle weight exceeding 7,500 kg i.e. 'medium goods vehicle', 'medium passenger vehicle', 'heavy goods vehicle' and 'heavy passenger vehicle'.

(IV) The decision in Mukund Dewangan (2017) is upheld but for reasons as explained by us in this judgment. In the absence of any obtrusive omission, the decision is not per incuriam, even if certain provisions of the MV Act and MV Rules were not considered in the said judgment.”

8. There is nothing on the record to show that the gross vehicle weight of the *Dalla* was more than 7,500 kg. In view of the above reproduced authoritative pronouncement of the Supreme Court, it is cleared that Satbir, who had a valid license to drive a Light Motor Vehicle, was competent to drive



the offending vehicle and there was no requirement of any endorsement on his driving license for driving a vehicle with a weight of more than 7,500 kg. As a result, the finding recorded by the Tribunal fastening the liability of the appellant-Insurance Company being based on the evidence and material on the record, is a finding of fact and does not require any interference. The argument raised by counsel for the appellant is rejected in the light of the judgment of the Supreme Court.

9. Finding no merit in both the appeals, they are dismissed with no order as to cost.
10. Pending applications, if any, shall stand disposed off as the main appeals have been decided.

(SUVIR SEHGAL)
JUDGE

03.02.2025
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No