



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6041-2012 (O&M)

IEFCO TOKIO GEN INS CO. LTD.

..Appellant

Versus

AMRIT LAL AND ORS.

..Respondents

Reserved on: 24.04.2026

Pronounced on: 27.04.2026

Uploaded on : 04.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Neeraj Khanna, Advocate
for appellant-Insurance Company.

Mr. Chander Pal Tiwana, Advocate and
Mr. Sumit Tiwana, Advocate
for respondent No.1.

None for respondents No.2 and 3.

SUDEEPTI SHARMA, J.

1. The present appeal has been filed by the appellant-Insurance Company against the award dated 03.09.2012 passed in a claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Kaithal (for short, 'the Tribunal'), wherein the claim petition filed by the claimant was allowed and appellant-Insurance Company was made liable to pay the compensation.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that on 09.07.2006 the claimant had come to Kaithal to purchase articles and vegetables for his shop. When the



claimant was going back to village Balu, he, Krishan Kumar and Shiv Kumar went upto village Kassar in a jeep. From village Kassar, claimant Shiv Kumar and Krishan Lal took a three-wheeler to go to their village Balu, which was being driven by respondent No. 1. The said three-wheeler was new and applied for. When they reached at village Balu near Mini Bank, the respondent no. 1 could not control the said three-wheeler due to sudden arrival of a dog in front of three-wheeler, the three-wheeler turned turtle once. Krishan Kumar received minor injuries and claimant received serious injuries in that accident. The said accident occurred while claimant was sitting in the three-wheeler driven by respondent No.1.

3. Upon notice of the claim petition, respondents appeared and contested the claim petition by filing their separate written replies denying the factum of accident/compensation.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

“1. Whether claimant sustained injuries in a motor vehicular accident which allegedly took place on 09.07.2006 at about 11.00 AM in the area of village Balu on account of rash and negligent driving by respondent no. 1 while driving offending three-wheeler bearing registration No. HR-64-4944? OPP.

2. If issue no. 1 is proved, to what amount of compensation the claimant is found entitled to and from whom? OPP.

3. Whether respondent no. 1 was not holding a valid and effective driving licence and the car was being driven in violation of the terms and conditions of the insurance policy, at the time of accident? OPR-3

4. Relief”



5. Thereafter, both the parties led their evidence in support of their respective pleadings.

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimant and Insurance Company was held liable to pay compensation. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

7. Learned counsel for the appellant–insurance company submits that driver of the offending vehicle was holding licence only for a Light Motor Vehicle (LMV) and not for a Light Transport Vehicle (LTV). He further contends that the vehicle involved, being a three-wheeler used for transport purposes, falls within the category of a transport vehicle. Consequently, a licence authorizing the driving of a non-transport LMV would not suffice to legally operate such a vehicle.

8. On this premise, it is argued that there was a clear breach of the terms and conditions of the insurance policy, as well as the statutory requirements under the Motor Vehicles Act. Therefore, he prays that the present appeal be allowed.

9. Per contra learned counsel for respondents have vehemently argued on the line of award and prays for dismissal of the present appeal.

10. I have heard learned counsel for the parties and perused the whole case file with their able assistance.

11. The relevant portion of the award is reproduced as under:-

“ISSUE NO.3:

32. This issue was not specifically and separately argued at the time of arguments. However, the objections were



raised by respondent No.3 regarding the driving licence for a vehicle of goods carrier and regarding the permit, which have been dealt with in issue No.2 on the ground that the present petition is under section 163-A, in which the liability is absolute. Hence, in view of the observations under issue no.1, this issue is decided against respondent no.3.”

12. A perusal of Ex.R-3 (Insurance Policy), Ex.R-2 (Registration Certificate) and Ex. R1 (driving licence) reveals that the offending vehicle was a three-wheeler. As per the record, the gross vehicle weight of the offending vehicle (three-wheeler) is recorded as around 750 kilograms, i.e. below 7500 kilograms. Thus, the vehicle clearly falls within the category of a Light Motor Vehicle.

13. In view of the aforesaid factual position, the finding recorded by the learned Tribunal that the driver, though holding an LMV licence, was not authorised to drive the offending vehicle and that driver of the offending vehicle was having a valid and effective driving licence is in consonance with settled law and does not require any inference of this Court.

14. This Court in **FAO-3952-2006, titled as “United India Insurance Company and others Vs. Manjit Kaur and others”, decided on 07.11.2024**, while relying upon the Constitution Bench judgment of the Hon’ble Supreme Court in **M/s Bajaj Allianz General Insurance Co. Ltd. v. Rambha Devi & Ors., 2024 INSC 840**, has held that a driver holding a valid LMV licence is competent to drive a transport vehicle of that class having a gross vehicle weight not exceeding 7500 kilograms, without any separate endorsement.



15. In view of the foregoing, the present appeal, being devoid of merit, stands **dismissed**.
16. Pending miscellaneous applications, if any, are also disposed of.

April 27th, 2026
Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*