

FAO-8367-2014 (O&M)

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

FAO-8367-2014 (O&M)

SHINGARA SINGH

..Appellant

Versus

MANPREET SINGH AND ANR.

..Respondents

Reserved on: 09.02.2026

Date of decision: 12.02.2026

Uploaded on: 17.02.2026

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. Manish Kumar Singla, Advocate
for the appellant.

Mr. Chandan Deep Singh, Advocate
for respondent No.1.

Mr. Vipul Sharma, Advocate
for Mr. Subhash Goyal, Advocate
for respondent No.3-Insurance Company.

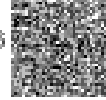
SUDEEPTI SHARMA, J.**CM-22686-CII-2014**

1. This is an application filed under Section 151 of the Code of Civil Procedure, 1908 for exempting the appellant from depositing Rs.25,000/- during the pendency of the appeal.

2. For the reasons mentioned in the application, which is supported by an affidavit, the same is allowed.

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1. The present appeal has been filed by the appellant/driver of the offending vehicle against the award dated 29.04.2014 passed in a claim

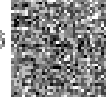


petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal'), wherein the appellant/driver of the offending vehicle was fastened with the liability to pay the compensation of Rs.3,00,000/- to the claimant/respondent No.1 along with interest @ 7.5% per annum from the date of filing of claim petition till recovery.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that on 9.9.2011 injured/claimant alongwith Sukhwinder Singh was going to deliver Suzuki Scooter No. PB-23G-1256(T) to a customer towards Khanna side. The claimant was driving the scooter and Sukhwinder Singh was pillion rider. Amrik Singh followed them on his bicycle. When they reached in front of Malwa hospital at 7-40 PM then in the mean time one truck bearing registration No. PB-10CF-1147 came from Gobindgarh side driven by respondent No.1 rashly and negligently without blowing any horn struck with the scooter of injured from back side. Due to the impact Manpreet Singh and Sukhwinder Singh fell down on the road and the left leg of the claimant was crushed under the wheel of truck. Sukhwinder Singh also received injuries due to the accident. The claimant was taken to Civil Hospital Khanna but due to serious leg injury, the claimant was referred to PGI Chandigarh where he remained admitted till 15.9.2011 and spent an amount of Rs. 5 lac on his treatment. Now an artificial leg is required for walking of the claimant. The accident took place due to rash and negligent driving of respondent No.1.

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



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

“1. Whether injured Manpreet Singh received injuries on account of accident caused by respondent No.1 while driving offending truck No. PB-10CF-1147 rashly and negligently?OPP

2. Whether the claimant is entitled to compensation if so to what extent?OPP

3. Whether the petition is not maintainable ?OPR

4. Whether the claimant has no locus standi to file the present claim petition?OPR

5. Whether the petition is bad for non joinder of parties? OPR

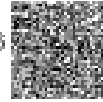
6. Whether the respondent was snot holding a valid and effective driving license at the time of the accident? OPR

7. Whether the alleged offending vehicle had not valid permit license and registration certificate for vehicle in question.?OPR

8. 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. However, the respondent No.3-Insurance Company was held liable to pay compensation at first instance and recovery rights were given to respondent No.3-Insurance Company to recover the same from appellant-driver of the offending vehicle. Hence, the present appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:**

7. Learned counsel for the appellant–driver of the offending vehicle contends that the learned Tribunal has erred in holding that the appellant was not holding a valid and effective driving licence. It is submitted that the licence possessed by the appellant authorised him to drive a Light Motor Vehicle (LMV). The Tribunal, however, wrongly proceeded on the assumption that the offending vehicle was a “truck” requiring a separate endorsement. In fact, as is evident from the Registration Certificate (Ex. R-2), the offending vehicle was a Tata 709. It is further contended that the gross vehicle weight of the said vehicle is 7490 kilograms.

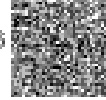
8. Learned counsel has placed reliance upon the judgment passed by this Court in FAO-3952-2006, wherein it was held that when a driver holds a licence to drive a “Light Motor Vehicle”, he is competent to drive a transport vehicle of that category without any specific endorsement, provided the gross vehicle weight does not exceed 7500 kilograms.

9. On the aforesaid premises, it is prayed that the liability to pay compensation to the claimants be fastened solely upon the respondent–Insurance Company.

10. Per contra, learned counsel appearing for the respondent No.3–Insurance Company supports the award passed by the learned Tribunal and prays for dismissal of the present appeal.

11. Learned counsel for respondent No.1-claimant contends that the learned Tribunal has rightly decided the issue of liability, therefore, he prays for dismissal of the present appeal.

12. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.



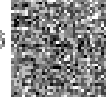
13. Before proceeding further it is apposite to reproduce the relevant portion of the award. The relevant portion is reproduced as under:-

“18. The onus to prove this issue lies on the respondents No.1 & 2. Counsel for respondent No.3 argued that respondent No.1 has produced copy of driving licence Ex. RH/1 which goes to show that it is only for LMV but he was driving the truck at the time of alleged accident. It means that he was not holding valid and effective driving licence at the time of accident. This issue is decided against respondents No.1 & 2 and in favour of respondent No.3.”

14. A perusal of Ex. R-1 (Insurance Policy) and Ex. R-2 (Registration Certificate) reveals that the offending vehicle was not a truck but a Tata 709. The gross vehicle weight of the offending vehicle is recorded as 7490 kilograms, i.e. below 7500 kilograms. Thus, the vehicle clearly falls within the category of a Light Motor Vehicle.

15. 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 there was violation of the terms and conditions of the insurance policy, is contrary to the settled legal position.

16. 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.



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17. In the light of the above discussion and the settled position of law, the findings of the learned Tribunal granting recovery rights to the respondent No.3–Insurance Company to recover the compensation from the driver and owner of the offending vehicle cannot be sustained and are accordingly ***set aside***.

18. The respondent No.3–Insurance Company is held solely liable to satisfy the award and pay the compensation to the claimant(s) in accordance with law.

19. In view of the above, present appeal is allowed.

20. Pending miscellaneous applications, if any, are also disposed of.

12.02.2026

Ayub

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*