

(2017) 11 RAJ CK 0010
In the Rajasthan High Court
Case No : 1807 of 2013

Laxmanram S/o. Shri Pukharam

APPELLANT

Vs

Faulal S/o. Shri Mohanlal

RESPONDENT

Date of Decision : 01-11-2017

Acts Referred:

[Motor Vehicle Act, 1988](#), Section 173(1)

Citation : (2017) 11 RAJ CK 0010

Hon'ble Judges : Arun Bhansali

Bench : SINGLE BENCH

Advocate : Ravi Panwar, Pawan Ojha

Judgement

1. This appeal is directed against judgment and award dated 12.07.2013 passed by Motor Accident Claims Tribunal, Sojat, District - Pali ("the Tribunal"), whereby, the Insurance Company has been exonerated from the liability to make payment of compensation.
2. It is submitted by learned counsel for the appellant that the Tribunal came to the conclusion that as the vehicle in question was a light transport vehicle and the driver was in possession of driving licence authorized to drive light motor vehicle only, the same was in violation of policy conditions and, consequently, exonerated the Insurance Company.
3. It is submitted that the said aspect is squarely covered by the judgment of Hon'ble Supreme Court in Mukund Dewangan v.

Oriental Insurance Company Limited & Ors . : C.A. 5826/2011
decided on 03.07.2017 and, therefore, the appeal deserves to be
allowed.

4. Learned counsel for the respondent Insurance Company is
not in a position to dispute the fact that the issue is covered by
judgment of Hon"ble Supreme Court in the case of Mukund
Dewangan (supra).

5. In view of the above, the appeal filed by the appellant-owner
is allowed. The award dated 12.07.2013 is modified to the extent
that finding on issue No.2 pertaining to the liability of the
Insurance Company is reversed, it is held that alongwith
respondent No.1 - owner/driver, the respondent No. 2 - Insurance
Company would be jointly and severally liable for payment of
compensation.

6. The appellant - owner would be entitled to be
refunded/recover any amount, which has been paid/deposited by
the appellant under the award and/or under Proviso to Section
173(1) of the Motor Vehicle Act, 1988, from the Insurance
Company.

7. The requisite payments to the claimant as per the award
and/or the owner be made by the Insurance Company within a
period of six weeks from the date of this judgment.