

(2004) 10 SHI CK 0020
In the High Court Of Himachal Pradesh
Case No : F.A.O. No. 294 of 2000

National Insurance Co. Ltd.	Vs	APPELLANT
Shangri and Another		RESPONDENT

Date of Decision : 14-10-2004

Acts Referred:

Motor Vehicles Act, 1988 — Section 2(21), 2(47)

Citation : (2006) ACJ 173 : (2005) 1 ShimLC 85

Hon'ble Judges : V.K. Gupta, C.J

Bench : Single Bench

Advocate : Ashwani K. Sharma, for the Appellant; Rajeev Sirkeck, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Gupta, C.J.—The only ground of challenge in this appeal against the Judgment and award dated 7.7.1999 passed in M.A.C. No. 13 of 1998 by learned Motor Accidents Claims Tribunal, Kinnaur at Rampur Bushahr, is that the driver of the offending vehicle did not possess a valid driving licence at the time of the accident.

2. Even though no evidence was led by the appellant in the Tribunal with respect to the aforesaid issue, onus whereof undoubtedly was upon the appellant yet Mr. Sharma learned counsel appearing for the appellant in the course of hearing of this appeal today drew my attention to Exh. RC in the original record of the Tribunal which is the copy of the driving licence dated 28.1.1998. I have seen this document and find that indeed the holder of this licence, who was the person driving the motor vehicle at the relevant time was licensed to drive "light motor vehicle". According to Mr. Sharma since the vehicle in question was a goods vehicle, actually, a light goods vehicle, this licence did not permit him to drive such a vehicle and, therefore, he should be deemed to be a person not possessed of a valid driving licence at the time of the accident.

Section 2 (21) of the Motor Vehicles Act, 1988 defines a light motor vehicle as under:

"light motor vehicle" means a transport vehicle or omnibus the gross vehicle weight of either of which or a motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7500 kg.

Sub-section (47) of Section 2 (supra) defines a transport vehicle to mean:

"transport vehicle" means a public service vehicle, a goods carriage, an educational institution bus or a private service vehicle.

3. A conjoint reading of the aforesaid two Sub-sections undoubtedly reveals that a goods vehicle can also be a transport vehicle and a light motor vehicle at the same time, provided its unladen weight does not exceed 7500 kg.

4. On the record of the Tribunal is the document marked as Exh. RB which is the copy of the registration certificate of the vehicle involved in the accident which even though styles the vehicle as a light goods vehicle yet, in column No. 14 against the entry of "unladen weight" specifies the weight of the vehicle as 2510 kg.

5. The aforesaid clearly therefore means that the vehicle in question squarely fell within the category of a "light motor vehicle" and since admittedly the licence in question authorised the driver to drive every light motor vehicle, it cannot be said that the licence was invalid.

6. No other point was urged. The appeal is dismissed. Whatever amount the appellant has deposited in this court shall be disbursed to the claimants along with interest accrued thereupon till the date in terms of the award.