
(2016) 01 SHI CK 0045
In the High Court Of Himachal Pradesh
Case No : FAO No.287 of 2009

National Insurance Co. Ltd.	Vs	APPELLANT
Sube Singh and others		RESPONDENT

Date of Decision : 01-01-2016

Acts Referred:

Motor Vehicles Act, 1988 — Section 147

Citation : (2016) AAC 466 : (2016) ILRHP 132

Hon'ble Judges : Mansoor Ahmad Mir, C.J.

Bench : Single Bench

Advocate : Ashwani K. Sharma, Senior Adv. with Monica Shukla, Advocate, for the Appellant; Bhupender Singh, Advocate, H.C. Sharma, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Mansoor Ahmad Mir, C.J. (Oral) - This appeal is directed against the award, dated 6th January, 2009, passed by the Motor Accident Claims Tribunal(II), Shimla, (for short, the Tribunal), whereby compensation to the tune of Rs.4,60,000/- along with interest at the rate of 9% per annum, came to be awarded in favour of the claimant and the insurer was saddled with the liability, (for short, the impugned award).

2. It is apt to record herein that by the medium of this appeal, the parties are in second round of litigation before this Court. The claim petition was Initially decided by the Tribunal, vide award, dated 1st April, 2003, which was questioned by the insurer before this Court by the medium of FAO No.392 of 2003, titled National Insurance Company v. Sube Singh and others. This Court, vide order dated 23rd September, 2008, upheld the findings returned by the Tribunal on all the issues, except issue No.3. In order to determine issue No.3, the case was remanded to the Tribunal. It is apt to reproduce issue No.3 hereunder:

"3. Whether respondent No.3 was not having a valid driving license at the time of

accident. As alleged, if so to what effect? OPR-2"

3. On the date of accident, the driver of the offending vehicle was having a licence to drive a Light Motor Vehicle and Medium Goods Vehicle. Copy of the registration certificate of the offending vehicle has been proved on record as Ext.RW-1/A, which clearly shows that the unladen weight and the gross weight of the vehicle was 4440 kg. and 6700 kg., respectively.

4. Here, a reference may be made to Section 2(21) of the Motor Vehicles Act, 1988 as under:

"2.

(21) "light motor vehicle" means a transport vehicle or omnibus the gross vehicle weight of either or which or a motor car or tractor or roadroller the unladen weight of any of which, does not exceed 7,500 kilograms."

5. Thus, the above provision clearly shows that a vehicle, with unladen weight not exceeding 7,500 kilograms, would fall within the definition of "light motor vehicle".

6. In view of the above, the Tribunal has rightly held that the driver was having a valid and effective driving licence on the date of accident to drive the offending vehicle.

7. Having said so, no interference is required in the impugned award and the same is upheld. As a consequence, the appeal is dismissed. The Registry is directed to release the amount of compensation in favour of the claimant, strictly in terms of the impugned award.