**(1993) 09 P&H CK 0003**

**In the Punjab And Haryana At Chandigarh**

**Case No :** First Appeal From Order No. 1550 of 1993

National Insurance Co. Ltd. APPELLANT

Vs

Sucha Singh and Others RESPONDENT

**Date of Decision :** 29-09-1993

**Acts Referred:**

**Citation :** (1994) 1 ACC 215 : (1994) ACJ 374 : (1994) 106 PLR 140

**Hon'ble Judges :** N.K. Kapoor, J;Amrit Lal Bahri, J

**Bench :** Division Bench

**Advocate :** Maharaj Baksh Singh, for the Appellant;

**Final Decision :** Dismissed

## Judgement

This Judgment has been overruled by : New India Assurance Co., Shimla Vs. Kamla and Others etc. etc., (2001) ACJ 843 : AIR 2001 SC 1419 : (2001) 105 CompCas 398 : (2011) 1 CPJ 10 : (2001) 4 JT 235 : (2001) 3 SCALE 18 : (2001) 4 SCC 342 : (2001) 2 SCR 797 : (2001) 2 UJ 1121 : (2001) AIRSCW 1340 : (2001) 3 Supreme 84

A.L. Bahri, J.—We agree with the final conclusion arrived at by the Motor Accident Claims Tribunal that the Insurance Company would be liable to pay the compensation if the licence had been renewed, though originally it was a faked licence. Some of the observations made by the Tribunal are open to criticism, when the Tribunal gives finding that a faked licence could not be validly renewed, as it is not provided under the Motor Vehicles Act that at the time of renewal no tests are provided. Section 15 of the Motor Vehicles Act reads as under :-

"Renewal of driving licences. - (1) Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry;

Provided that in any case where, the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal.

Provided further that where the application for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of 40 years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) Section 8, and the provisions of sub-section (4) of Section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner''s licence."

2. A perusal of the same would show that in the given circumstances, even the medical test of the person asking for renewal of the licence could be conducted. If a licence is renewed, it gets validity inview of provisions of Section 15 of the Act. The Insurance Company would be liable to reimburse the insured if accident was caused by the driver and employee of the insured, possessing a licence which was duly renewed. The appeal is, therefore, dismissed.