
(2019) 09 RAJ CK 0060

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 981 Of 2008

National Insurance Company Limited

APPELLANT

Vs

Amra Ram And Ors

RESPONDENT

Date of Decision : 09-09-2019

Acts Referred:

Motor Vehicles Act, 1988 — Section 10(2)(d)

Citation : (2019) 09 RAJ CK 0060

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : Jagdish Vyas, Abhishek Mirdha, D.S. Udawat

Final Decision : Dismissed

Judgement

Heard. Perused the material available on record.

The instant appeal has been preferred by the appellant National Insurance Company for assailing the judgment-cum-award dated 11.01.2008 passed by the Motor Accident Claims Tribunal, Jaitaran, District Pali in Claim Case No.45/2005 (55/2004) whereby, the claim application filed by the respondents claimants Amra Ram and Smt. Kamla were awarded compensation to the tune of Rs.2,25,000/- towards death of their son Rajuram, aged 15 years, in an accident which took place on 07.12.2003 owing to a collision between motorcycle driven by Rajuram and the Utility Jeep No.RJ-19-1G-0103 being driven by Dharmendra Singh insured with the appellant Insurance Company.

The plea which is raised by the appellant Insurance Company's counsel Shri Vyas to assail the impugned award is that the driver of the insured vehicle was having a licence authorising him to drive a light motor vehicle only and as the jeep was a light commercial vehicle, the same was being used in contravention of the policy conditions and as such, the Insurance Company was wrongly held liable to satisfy the award.

I have given my thoughtful consideration to the submissions advanced at bar and

have gone through the material available on record.

The controversy which is raised by the Insurance Company in this appeal is no longer res-integra in view of the law laid down by Hon'ble the Supreme Court in the case of Mukund Dewangan vs. Oriental Insurance Company Ltd. reported in (2017)14 SCC 663 wherein, it has held as below:

"60.2. A transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kg. would be a light motor vehicle and also motor car or tractor or a road roller, 'unladen weight' of which does not exceed 7500 kg. and holder of a driving licence to drive class of "light motor vehicle" as provided in section 10(2)(d) is competent to drive a transport vehicle or omnibus, the gross vehicle weight of which does not exceed 7500 kg. or a motor car or tractor or road-roller, the "unladen weight" of which does not exceed 7500 kg. That is to say, no separate endorsement on the licence is required to drive a transport vehicle of light motor vehicle class as enumerated above. A licence issued under section 10(2)(d) continues to be valid after Amendment Act 54 of 1994 and 28-3-2001 in the form."

In wake of the discussion made herein above, I find no merit in the instant appeal which is hereby rejected as being devoid of force.

Record be returned to the learned Tribunal forthwith.