(2013) 06 KAR CK 0161

In the Karnataka High Court

Case No : M.F.A. No. 5729 of 2011 (MV)

Sri Venugopal Reddy APPELLANT

Vs

M/s. United India Insurance Co. Ltd. and Mr. Naresh Kumar RESPONDENT

Date of Decision : 19-06-2013

Acts Referred:

Citation : (2013) 06 KAR CK 0161

Hon'ble Judges : N. Ananda, J

Bench : Single Bench

Advocate : G.K. Sreevidya, for Sri T.N. Viswanatha, for the Appellant; Y.P. Venkatapathi, Advocate for R1 and R2- Served, for the Respondent

Final Decision : Dismissed

Judgement

N. Ananda, J.—The claimant has filed this appeal to fasten liability on Insurance Company. I have heard Smt. G.K. Sreevidya, learned counsel for claimant and Sri Y.P. Venkatapathi, learned counsel for Insurance Company.

2. The Tribunal has exonerated Insurance Company on the ground that driver of insured vehicle did not possess driving licence on the date of accident. He got driving licence renewed after a period of 11/2 years from the date of accident. The non-renewal of driving licence is as good as non-possession of driving licence. In the circumstances, Tribunal has exonerated Insurance Company of its liability.

3. The learned counsel for claimant, relying on the judgment of the Supreme Court, reported in Kusum Lata and Others Vs. Satbir and Others, would submit that Tribunal should have directed Insurance Company to pay compensation and recover the same from owner.

4. In the aforestated judgment, at paragraph 13, the Supreme Court has held:-

13. In respect of the dispute about licence, the Tribunal has held and, in our view rightly, that the insurance company has to pay and then may recover it from the

owner of vehicle. This court is affirming that direction in view of the principles laid down by a three-judge Bench of this court in the case of National Insurance Co. Ltd. Vs. Swaran Singh and Others,

5. In the judgments reported in Kusum Lata and Others Vs. Satbir and Others, and National Insurance Co. Ltd. Vs. Vidhyadhar Mahariwala and Others, the Supreme Court has held that when driving licence of driver of offending vehicle had expired prior to the date of accident and was got renewed after accident, Insurance Company cannot be made liable to pay compensation. Therefore, I do not find any error in the impugned award. In the result, I pass the following:-

ORDER

The appeal is dismissed.

