

(2008) 05 RAJ CK 0035
In the Rajasthan High Court

United India Insurance Co. Ltd.

APPELLANT

Vs

Kamli Devi and Others

RESPONDENT

Date of Decision : 13-05-2008

Acts Referred:

Motor Vehicles Act, 1988 — Section 2(21)

Citation : (2009) ACJ 2492

Hon'ble Judges : R.C. Gandhi, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.C. Gandhi, J.—This appeal has been preferred against the award dated 14.12.2007 passed by the Motor Accidents Claims Tribunal, Jaipur District, Jaipur in a Claim Petition No. 221 of 2007 whereby a sum of Rs. 4,69,000 has been paid as compensation on account of death of 29 years old person, leaving behind the claimants, in a road accident on the ground that driver of the offending vehicle was not possessed of a valid licence.

2. Heard learned Counsel for the parties and perused the record.

3. The accident took place on 29.5.2005 while deceased Shankar Lai and Chhitarmal were going to their village from Dausa in a jeep No. RJ 14-T 5629 and when they reached near village Zirota Khurd at about 11.45 a.m. met with an accident caused due to negligence of the driver of Maruti van No. RJ 29-T 100. Claim petition was filed which was contested by the other side. On appreciation of evidence impugned award has been passed.

4. That the driver of the offending vehicle was not possessing a valid driving licence to drive light motor vehicle under the Motor Vehicles Act as the driver was carrying the passengers in the offending vehicle. Learned Counsel for the respondents, in rebuttal, has submitted that the weight of Maruti van (offending vehicle) is 785 kg which comes within the category of light motor vehicle and thus, the driver was having a valid licence to drive the vehicle involved in the

accident.

5. The question raised by the learned Counsel for the appellant that the driver of offending vehicle was having licence to drive light motor vehicle whereas he was carrying passenger in the offending vehicle, therefore, it is a transport vehicle and the licence possessed by him is not valid in law.

6. The weight of Maruti van is 785 kg, therefore, it comes in the category of light motor vehicle. The driver has licence to drive light motor vehicle, such type of vehicle as Maruti van. The plea of learned Counsel for the appellant that since the driver was carrying passenger, therefore, it is transport vehicle and the driver was not having licence to drive the transport vehicle. His plea finds complete answer in the judgment of the Supreme Court delivered in case titled National Insurance Company Ltd. Vs. Annappa Irappa Nesaria and Others, , wherein while dealing with such a plea, the Apex Court observed in paras 14 to 17 as under:

14) Rule 14 prescribes for filing of an application in Form 4, for a licence to drive a motor vehicle, categorising the same in nine types of vehicles.

Clause (e) provides for transport vehicle which has been substituted by G.S.R. 221 (E) with effect from 28.3.2001. Before the amendment in 2001, the entries medium goods vehicle and heavy goods vehicle existed which have been substituted by transport vehicle. As noticed hereinbefore, light motor vehicle also found place therein.

(15) "Light motor vehicle" is defined in Section 2(21) and, therefore, in view of the provision, as then existed, it included a light transport vehicle....

(16) From what has been noticed herein before, it is evident that "transport vehicle" has now been substituted for "medium goods vehicle" and "heavy goods vehicle". The light motor vehicle continued at the relevant point of time, to cover both, light passenger carriage vehicle and light goods carriage vehicle.

A driver who had a valid licence to drive a light motor vehicle, therefore, was authorised to drive a light goods vehicle as well.

(17) The amendments carried out in the rules having a prospective operation, the licence held by the driver of the vehicle in question cannot be said to be invalid in law.

In view of the above mandate of law, there is no merit in the appeal which is accordingly dismissed.