
(2013) 12 RAJ CK 0077

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No's. 515 of 2000 and 265 of 2001

United India Insurance Co. Ltd.

APPELLANT

Vs

Puran Mal and Others

RESPONDENT

Date of Decision : 03-12-2013

Acts Referred:

Citation : (2014) 3 ACC 261 : (2014) 3 RCR(Civil) 792 : (2014) 1 RLW 693

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Anil Bachhawat, for the Appellant; Pradeep Choudhary for Respondent No. 1 and A.R. Beniwal and Sunil Beniwal for Respondents No. 5 and 6, for the Respondent

Final Decision : Dismissed

Judgement

Arun Bhansali, J.—These appeals are directed against the judgment and award dated 9.5.2000 passed by the Motor Accident Claims Tribunal, Churu ("the Tribunal"), whereby for the injuries suffered by the claimants Puran Mal and Uda Ram, the Tribunal has awarded a sum of Rs. 11,525/- and Rs. 54,282/- respectively alongwith interest @ 12% p.a. from the date of application. Brief facts of the case may be noticed thus : an accident occurred on 5.10.1998 between mini-bus, insured with the appellant - Insurance Company and a truck, which resulted in the injuries suffered by the claimants.

2. An application for compensation was filed by the claimants. Several issues were raised by the Insurance Company including the fact that the driver of the mini-bus was not in possession of a valid and effective driving licence, inasmuch as, he was having a driving licence to drive Heavy Goods Vehicle and the vehicle in question was Light Transport Vehicle and therefore, on account of violation of policy conditions, the Insurance Company was not liable. The amount of compensation claimed by the claimants was also questioned.

3. The Tribunal, after evidence was led by the parties, came to the conclusion

that the defence raised by the Insurance Company was not valid and awarded compensation as noticed hereinbefore.

4. It is submitted by learned counsel for the appellant that the finding recorded by the Tribunal regarding liability of the appellant-Insurance Company is incorrect, inasmuch as, a person holding a driving licence for driving Heavy Goods Vehicle is not entitled to drive Light Transport Vehicle" and consequently, the finding on the issue deserves to be quashed and set aside. It is further submitted that the compensation awarded is excessive in the facts and circumstances of the case.

5. On the other hand, learned counsel for the respondents submitted that the driving licence possessed by the driver was for driving Heavy Goods Vehicle and therefore, he was entitled to Light Transport Vehicle as well. On the issue relating to the award of compensation, it was submitted that the meager amount have been awarded looking to the nature of the injuries suffered by the claimants and same does not call for any interference.

6. I have considered the rival submissions.

7. A bare look at the driving licence (Ex.-13) reveals that the same was issued on 21.5.1988 and was valid for driving Heavy Transport Vehicle from 21.5.1988 to 20.5.1991 and was subsequently renewed from time to time and was valid on the date of accident i.e. 26.3.1998.

8. So far as issue relating to driver holding driving licence for Heavy Goods Vehicle and driving a Light Transport Vehicle is concerned, the case of such a licence holder, who has been issued licence prior to coming into force of the Motor Vehicles Act, 1988 stands settled by the judgment of this Court Kumari Anoo v. Umed Singh & Ors. : S.B. Civil Misc. Appeal No. 14/1999 decided on 14.3.2002, wherein this Court with reference to the provisions of Sec. 7(7) of the Motor Vehicles Act, 1939 and Sec. 217(2)(b) of the Motor" Vehicles Act, 1988 came to the conclusion that a person having a driving licence for Heavy Goods Vehicle, would be entitled to drive a Light Transport Vehicle as well.

9. In view of the pronouncement of this Court in the case of Kumari Anoo (supra), the issue raised by the appellant-Insurance Company has no substance.

10. So far as the quantum of compensation awarded to the claimants is concerned, I have perused the findings and the reasons recorded by the Tribunal and, in the facts and circumstances of the case, it cannot be said that the Tribunal has awarded excessive compensation to the claimants. In view of the above discussion, there is no substance in these appeals and the same are, therefore, dismissed.