

SANT LAL

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v.

RAJESH & ORS. ETC.

(Civil Appeal Nos. 8395-8396 of 2017)

JULY 03, 2017

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**[ARUN MISHRA AND AMITAVA ROY, JJ.]**

*Motor Vehicles Act, 1988 – ss.3, 10(2), 2(21) – Transport vehicle – Whether a driver who is having a licence to drive ‘light motor vehicle’ (LMV) and is driving ‘transport vehicle’ of that class is required additionally to obtain an endorsement to drive a transport vehicle – Driver having licence to drive LMV can drive such a transport vehicle of LMV class and there is no necessity to obtain separate endorsement – In the instant case, tractor attached with the trolley was transport vehicle of the category of light motor vehicle – Therefore, there was no breach of conditions of the policy.*

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**Allowing the appeals, the Court**

**HELD:** This Court has considered the question whether the holder of licence for light motor vehicle can drive tractor attached to the trolley carrying goods and also whether separate endorsement is required authorizing him to drive such a transport vehicle and answered in reference in *Mukund Dewangan vs. Oriental Insurance Co. Ltd. etc.* (Civil Appeal No.5826 of 2011). It was held that driver having licence to drive light motor vehicle can drive such a transport vehicle of LMV class and there is no necessity to obtain separate endorsement, since tractor attached with the trolley was transport vehicle of the category of light motor vehicle. Hence, there was no breach of the conditions of the policy. [Paras 3, 4 and 5] [824-D-F]

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CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 8395-8396 of 2017.

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From the Judgment and Order dated 02.08.2013 of the High Court of Punjab & Haryana at Chandigarh in FAO No. 347 & 348 of 2011.

Vineet Bhagat, Ms. Archana Pathak Dave, K. G. Bhagat, M. S. Bakshi, Ms. Neelam Saini, Advs. for the Appellants.

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A Bharat Bhushan, Archana Pathak Dave, Ms. Ankita Choudhary,  
Ms. Radhika Sharma, Advs. for the Respondents.

The Judgment of the Court was delivered by

**ARUN MISHRA, J.** 1. Leave granted.

B 2. The appeals have been preferred by the owner, aggrieved by  
the award passed by the Motor Accident Claims Tribunal, Bhiwani (for  
short, "the MACT"). The driver was driving a tractor which was attached  
to the trolley carrying goods. The MACT held that the same becomes  
transport vehicle though the driver was having licence to drive motor  
C cycle, scooter, car, jeep and light motor vehicle. There was no  
endorsement to drive a transport vehicle. Thus, there was violation of  
the conditions of the policy. Driver was not having a valid licence to  
drive transport vehicle. Thus, after making payments to the claimant,  
right of recovery have been given to the insurer from owner. The award  
has been affirmed by the High Court. Hence present appeals.

D 3. This Court has considered the question whether the holder of  
licence for light motor vehicle can drive tractor attached to the trolley  
carrying goods and also whether separate endorsement is required  
authorizing him to drive such a transport vehicle?

E 4. We have answered the question that driver having licence to  
drive light motor vehicle can drive such a transport vehicle of LMV  
class and there is no necessity to obtain separate endorsement, since  
tractor attached with the trolley was transport vehicle of the category of  
light motor vehicle. Hence, there was no breach of the conditions of the  
policy.

F 5. Accordingly, in view of the answer given to reference by the  
three Judge Bench of this Court in *Mukund Dewangan vs. Oriental  
Insurance Co. Ltd. etc.* (Civil Appeal No.5826 of 2011), these appeals  
have to be allowed and are hereby allowed. The right given to the  
insurer to recover amount from owner is hereby set aside. The liability  
is held to be joint and several of owner, driver and insurer. No costs.

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