

Sant Lal vs Rajesh And Ors Etc on 3 July, 2017

Equivalent citations: AIR 2017 SUPREME COURT 4054, 2017 (8) SCC 590, (2017) 3 RECCIVR 757, (2018) 2 MAH LJ 22, (2017) 6 ANDHLD 114, (2018) 1 MPLJ 566, (2018) 1 RAJ LW 103, AIR 2017 SC (CIV) 2986, (2018) 1 ACC 46, (2017) 7 SCALE 767, (2018) 2 ACJ 976, 2017 (3) SCC (CRI) 680, AIR 2017 SC (CIVIL) 2986

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Bench: Amitava Roy, Arun Mishra

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REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8395-8396 OF 2017
(Arising out of S.L.P. (C) Nos.35534-35535 of 2013)

SANT LAL

...APPELLANT(S)

VERSUS

RAJESH & ORS. ETC.

...RESPONDENT(S)

JUDGMENT

ARUN MISHRA, J.

Leave granted.

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 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. Reason: The award has been affirmed by the High Court. Hence present appeals.

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?

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.

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.

.....J. (ARUN MISHRA)J. (AMITAVA ROY) JULY 3, 2017 NEW DELHI REVISED ITEM NO.1503 COURT NO.11 SECTION IV-B (for Judgment) S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Civil Appeal Nos.8395-8396 of 2017 @Petition(s) for Special Leave to Appeal(C)No(s).35534-35535/2013 SANT LAL Petitioner(s) VERSUS RAJESH AND ORS ETC Respondent(s) Date : 03-07-2017 These matters were called on for pronouncement of judgment today.

For Petitioner(s) Ms. Archana Pathak Dave, AOR Mr. Vineet Bhagat, AOR For Respondent(s) Mr. Bharat Bhushan, AOR Hon'ble Mr. Justice Arun Mishra pronounced the judgment of the Bench comprising His Lordship and Hon'ble Mr. Justice Amitava Roy.

Leave granted.

The appeals are allowed in terms of the signed reportable judgment.

(B. PARVATHI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

(Signed reportable judgment is placed on the file) ITEM NO.1503 COURT NO.11 SECTION IV-B (for Judgment) S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS Petition(s) for Special Leave to Appeal (C)No(s).35534-35535/2013 (Arising out of impugned final judgment and order dated 02-08-2013 in FAO No. 347/2011 passed by the High Court of Punjab & Haryana at Chandigarh) SANT LAL Petitioner(s) VERSUS RAJESH AND ORS ETC Respondent(s) (HEARD BY : HON'BLE MR. JUSTICE ARUN MISHRA HON'BLE MR. JUSTICE AMITAVA ROY) Date : 03-07-2017 These matters were called on for pronouncement of judgment today.

For Petitioner(s) Ms. Archana Pathak Dave, AOR Mr. Vineet Bhagat, AOR For Respondent(s) Mr. Bharat Bhushan, AOR UPON hearing the counsel the Court made the following O R D E R Leave

granted.

The appeals are allowed in terms of the signed reportable judgment.

(B. PARVATHI)
COURT MASTER (SH)

(TAPAN KUMAR CHAKRABORTY)
COURT MASTER

(Signed reportable judgment is placed on the file)