

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)****J U D G M E N T****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. 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_

REVISEDITEM NO.1503
(for Judgment)

COURT NO.11

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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
(for Judgment)

COURT NO.11

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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)