

IN THE HIGH COURT OF MADHYA PRADESH

AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE ROOPESH CHANDRA VARSHNEY

ON THE 18th OF NOVEMBER, 2024

MISC. APPEAL No. 576 OF 2014

THE ORIENTAL INSURANCE COMPANY LIMITED

VS.

PRAHLAD SINGH AND ORS.

AND

MISC. APPEAL No. 577 OF 2014

THE ORIENTAL INSURANCE COMPANY LIMITED

VS.

CHAIN SINGH AHIRWAR AND ORS.

APPEARANCE

Shri R.V.Sharma, learned counsel for the Insurance Company.

Ms. Divyanshi Kushwah on behalf of Shri S.K.Shrivastava, learned counsel for the claimant.

ORDER

This common order shall govern disposal of M.A.No. 576/2014 and M.A.No. 577/2014 as both these appeals are filed by Insurance Company against the awards passed by Member, Motor Accident Claims Tribunal, Fourth Additional District Judge, Vidisha in Claims Cases No. 22/2013 and

57/2013 dated 24/3/2014 as both these appeal arise out of common accident dated 3/12/2012, whereby, the Claims Tribunal has awarded a sum of Rs. 21,800/- to claimant/injured Chain Singh Ahirwar for the injuries sustained by him in said road accident and awarded of Rs. 1,34,800/- to claimant/injured Prahlad Singh for the injuries sustained by him in said road and liability for payment of compensation amount was fastened over Driver, Owner and Insurance Company jointly and severally.

2. Insurance Company by filing these appeal challenged on the ground that Claims Tribunal erred in deciding issue No. 4 against the Insurance Company thereby saddling the liability as to pay the amount of compensation as according to him offending vehicle Bolero Pickup Jeep was insured as a transport Vehicle and as per the driving licence particulars issued by licensing authority, the driving licence possessed by driver was LMV only.

3. Learned counsel for the Claimants supported the impugned award and prayed for dismissal of the appeal.

4. Heard.

5. Perused the record.

6. As regards the issue raised by Insurance Company has already been settled by Apex Court in the matter of **Mukund Dewangan Vs. Oriental Insurance Co. Ltd., 2017 ACJ 2011** while holding that "a person holding driving licence to drive 'light motor vehicle' is competent to drive transport vehicle or omnibus, the gross vehicle weight of which does not exceed 7,500 kgs or a motor car, tractor or road-roller, the unladen weight of which does not exceed 7.500 kgs." Undisputedly, the driver of the offending vehicle was holding a LMV licence at the time of incident and

was driving an Bolero Jeep- a transport vehicle vehicle, whose unladen vehicle weight in the instance case is undisputedly below 7,500 kgs and therefore, in light of aforesaid decision the finding given by Claims Tribunal regarding liability of payment of compensation amount over driver/owner and Insurance Company jointly and severally appears to be just and proper and need no interference. Accordingly, both the appeals are dismissed. In the facts of the case, parties are directed to bear their own costs.

(ROOPESH CHANDRA VARSHNEY)
JUDGE

jps/-