

Motor Vehicles Act, 1988 – S. 166 – Driving licence – Even, it is admitted that respondent No.1 was not having a valid and effective driving licence at the time of accident, the crucial thing to be seen is as to whether the owner was negligent or guilty of willful breach of the insurance policy – Insurance company examined Clerk, RTA Office, Rohtak, who alongwith record stated that no such driving licence had been issued by their office – It points out that licence possessed by respondent No.1 was fake – But then the crucial evidence that respondent No.2 – owner of the vehicle had knowingly and intentionally handed over the vehicle to respondent No.1 not holding any valid licence to drive such vehicle is missing – The licence possessed by respondent No.1 on the face of it seems to be valid and the owner could not have any suspicion regarding the same since it was renewed from time to time by various offices of the licensing authority – Therefore, it cannot be taken to be breach of the terms and conditions of the insurance policy relieving the insurance company of any liability to pay compensation – Rather the liability of insurance company is there and it is not entitled to get any recovery rights from the insured.

2019 PLRonline 3027 (P&H)

Jondhan Kalan Coop. Transport Society Ltd. v. Ganga Devi , 2019 PLRonline 3027 (P&H)