

Driving Licence, MVA S. 166

United India Insurance Co. Ltd. Vs. D.A.V. Centenary Public School reported in III(2015) CPJ 227 (NC)

7. Learned Counsel for the Respondent No. 1 has drawn my attention towards licence issued by DTO, Ferozpur on 19.7.2004 according to which, Jagjeet Singh was authorized to drive LTV and HTV from 19.7.2004 to 18.7.2007. Learned State Commission in paragraph 20 of the impugned order mentioned that original driving licence was seen and in such circumstances, licence issued by competent authority cannot be questioned in absence of any documentary evidence produced by insurance company. Apparently, this licence is not in accordance with law because Section 6 of the M.V. Act provides that no person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence, meaning thereby, a person cannot hold two licences at a time. Section 6 (3) provides that licensing authority can add classes of vehicle which the driving licence authorizes the holder to drive meaning thereby, Jagjeet Singh could have got added category of other vehicles in his earlier licence dated 2.8.2003, but he was not permitted to obtain another licence from different DTO. Not only this, Section 7 of M.V. Act provides that no person shall be granted a learner's licence to drive the transport vehicle unless he had a driving licence to drive light motor vehicle for at least one year meaning thereby, for obtaining licence for driving transport vehicle he must have licence to drive light motor vehicle at least for more than a year. In the case in hand, driving licence to drive LMV was issued on 2.8.2003 whereas DTO Ferozpur issued driving licence on 19.7.2004 to drive LTV and HTV which could not have been issued as Jagjeet Singh was not holding LTV licence for at least one year. In such circumstances, licence dated 19.7.2004 is not in accordance with law and on the basis of this licence it cannot be held that driver was holding valid driving licence at the time of accident. Not only this, in licence dated 2.8.2003, date of birth of Jagjeet Singh has been shown as 2.1.1982, whereas in licence dated 19.7.2004 his date of birth has been shown as 2.1.1980. In such circumstances, it is also doubtful that licence dated 19.7.2004 was issued in favour of driver Jagjeet Singh who was driving vehicle at the time of accident.

FOLLOWED IN

National Insurance Company ... vs Ex. Subedar Vinod Kumar on 16 August, 2017

STATE CONSUMER DISPUTES REDRESSAL COMMISSION,

PUNJAB, CHANDIGARH.

<https://indiankanoon.org/doc/66438486/>

The licencing Authority in the same driving licences could add the class of vehicle, which the driving licence holder is authorized to drive. National Commission also held in United India Insurance Co. Ltd. Vs. D.A.V. Centenary Public School reported in III(2015) CPJ 227 (NC) that a person cannot hold two driving licences at a time. Driver could have added category of other vehicles in his earlier licence, but he was not permitted to obtain another licence from different DTO. Repudiation of insurance claim is justified.

