

2017 PLRonline 008

Supreme Court of India

Before : Justice Arun Mishra and Justice Amitava Roy, J

SANT LAL

versus

RAJESH & ORS.

Civil Appeal No. 8395, 8396 Of 2017

03.07.2017

Motor Vehicles Act, 1988 – S. 166 - 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? - 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.

Judgement

Arun Mishra, J

Leave granted.

2. 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.

3. 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?

4. 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.

5. Accordingly, in view of the answer given to reference by the three Judge Bench of this Court in *Mukund Dewangan v. Oriental Insurance Co. Ltd. etc.* (2016-2)182 PLR 801 (SC), 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.