

IN THE HIGH COURT OF JHARKHAND, RANCHI

M.A No. 62 of 2025

The Branch Manager, National Insurance Company Ltd. Main Road, Gumla, PO PS & District Gumla represented through (Insurer of Pick Up Van bearing registration No. JH 07D 6832) Appellants(s)

-- Versus --

1. Rita Devi, w/o late Kishore Ram, r/o village Ambedkar Nagar, PO PS & District Gumla
 2. Ram Gopal Saboo, s/o Satyanarayan Saboo, r/o Main Road, Gumla, PO PS & District Gumla (Registered Owner of Vehicle Pick Up Van No. JH-07D-6832)
 3. Arman Khan, s/o late Md. Siddique r/o village Raja Colony, Gumla PO PS & District, Gumla (Driver of vehicle Pick up Van No. JH-07D-6832)
- Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant(s)	:-	Mr. Pran Pranay, Advocate
For Resp. No.2	:-	Mr. K.S. Nanda, Advocate

05/10.07.2025

Heard Mr. Pran Pranay, learned counsel appearing for the appellant-insurance company and learned counsel appearing for the respondent no.2.

2. This appeal is preferred against the judgment/award dated 21.05.2024 passed in M.A.C. Case No.52/2016 by the learned Principal District Judge-cum-Motor Vehicle Accident Claim Tribunal, Gumla, whereby, the learned Tribunal has awarded a sum of Rs.10,66,490/- as compensation in favour of respondent no.1 along with interest @ 7.5% from the date of filing of claim application till its realization and direction has been issued that the appellant-insurance company will pay the said amount within a period of 30 days from the date of the award.

3. Mr. Pran Pranay, learned counsel for the appellant-insurance company submits that the insurance company has preferred this appeal mainly on two grounds, firstly the driver is having driving license to drive Light Motor Vehicle and he is not authorized to drive a Light Goods Vehicle i.e. Pick Up Van and in view of that, he was not entitle to drive the same, however, the learned Court has wrongly given the finding and secondly the quantum of future expenses is not calculated properly and in view of that, this appeal may kindly be admitted. He further submits that there is delay of 119 days in filing the appeal and for condonation of delay, I.A. No.1452 of 2025 has been

filed. On these grounds, he submits that this appeal may kindly be admitted and the delay of 119 days in filing the present appeal may kindly be condoned.

4. It transpires from the judgment/award of the learned Tribunal that the claimant- Rita Devi, who is the wife of the deceased filed the case for compensation on account of death of her husband, caused in the vehicular accident taken place on 25.02.2014, in front of Sarda Complex, Palkot Road, Gumla by the fault of the driver of Pick Up Van bearing registration No. JH-07D-6832. It was further asserted in the said compensation case that on 25.02.2014 at about 08:15 PM, respondent n.3 herein-driver of the said vehicle driven the vehicle rashly and negligently and dashed the deceased at the place of Sarda Complex, Palkot Road, Gumla. It was also asserted in the said compensation case that on the date of accident, the deceased was aged about 35 years. It was also asserted in the said compensation case that the offending Pick Up Van was insured by the appellant-insurance company and in view of that, the claimant prayed compensation.

5. In this background, the learned Tribunal has mainly formulated five issues to decide the said compensation case. Issue no.4 was with regard to valid driving license of the driver. The registration certificate of the vehicle was produced and in view of that, the learned Court has found that respondent no.2 herein is the registered owner of the offending vehicle. The claimant had filed copy of Tax Token of the offending vehicle was paid for the period from 22.01.2014 to 21.01.2015. The certificate of fitness of the said Pick Up van was also brought before the learned Tribunal, which was valid from 08.12.2012 to 26.11.2014. The certificate of pollution under control of the offending vehicle was also brought before the learned Tribunal. The copy of the insurance policy of the offending vehicle was also filed by the claimant. The appellant-insurance company had not disputed these documents and, therefore, the vehicular documents of offending Pick Up Van was found in order by the learned Tribunal. Respondent no.2 herein i.e. the owner of the vehicle has stated that Arman Malik-respondent no.3 herein, who is the driver of the offending vehicle and he was having driving license bearing DL No.6223/12 was issued to him from the District Transport Office, Latehar and he has proved certificate issued from Latehar Transport Office. The photocopy of driving license of Arman Khan has been marked as Ext.-B and the registration certificate and certificate of fitness of the said offending vehicle have been marked as Exts. D and E respectively. The learned Tribunal has taken care of the argument of the insurance company with regard to driving license of the driver of Light Motor Vehicle and the driver was not having the license of Pick Up Van i.e. Light goods vehicle or commercial vehicle. The learned Tribunal has found from the

verification report issued by the District Transport Office, Latehar (Ext.C) that the type of license is mentioned 'professional' and at serial no.9 of the said verification report, 'vehicle initially authorized to drive' is mentioned as M/cycle & Light Motor Vehicle. The learned Tribunal has further appreciated Section 2(21) of the Motor Vehicles Act, 1988 and found that the weight of the offending vehicle was not exceeding 7500 Kg and in view of that, finding was given that the driver was competent to drive the said vehicle. The learned Tribunal has rightly appreciated the same and there is no illegality on that point.

6. A reference may be made to the judgment passed by the Hon'ble Supreme Court in the case of **Mukund Dewangan v. Oriental Insurance Company Limited**, reported in **AIR 2017 SC 3668**. Paragraphs 38 and 46 of the said judgment read as under:

"38. In Annappa Irappa Nesaria [National Insurance Co. Ltd. v. Annappa Irappa Nesaria, (2008) 3 SCC 464 : (2008) 1 SCC (Civ) 945 : (2008) 2 SCC (Cri) 99] , a Division Bench of this Court has considered the question with respect to an accident which took place on 9-12-1999. The driver was driving a Matador van, a "goods carriage" vehicle, holding a licence to drive light motor vehicle. This Court referred to Forms 4 and 6 and Rules 14 and 16 of the 1989 Rules and opined that as Form 4 has been amended w.e.f. 28-3-2001, transport vehicle has been substituted for medium goods vehicle and heavy goods vehicle and provision in the form at the relevant time, covered both "light passenger carriage vehicle" and "light goods carriage vehicle". The driver who had a valid driving licence to drive a light motor vehicle, therefore, was authorised to drive a light goods vehicle (transport vehicle) as well. The view taken with respect to the pre-amended position, before the amendment of Form 4 on 28-3-2001 appears to be correct for the reasons discussed by us. However, no change has been brought about by insertion of Form 4 after 28-3-2001 with respect to LMV category transport vehicle, thus, Annappa Irappa Nesaria [National Insurance Co. Ltd. v. Annappa Irappa Nesaria, (2008) 3 SCC 464 : (2008) 1 SCC (Civ) 945 : (2008) 2 SCC (Cri) 99] cannot be taken to be laying down correct legal position applicable after 28-3-2001. With respect to the post-amendment legal position, the decision cannot be said to be laying down the correct law. However, this Court has rightly opined in the aforesaid case that the person holding a licence to drive "light motor vehicle" could have driven "light passenger carriage vehicle" and "light goods carriage vehicle" also. Thus, the decision is partially overruled to the aforesaid extent only.

46. Section 10 of the Act requires a driver to hold a licence with respect to the class of vehicles and not with respect to the type of vehicles. In one class of vehicles, there may be different kinds of vehicles. If they fall in the same class of vehicles, no separate endorsement is required to drive such vehicles. As light motor vehicle includes transport vehicle also, a holder of light motor vehicle licence can drive all the vehicles of the class including

transport vehicles. It was pre-amended position as well the post-amended position of Form 4 as amended on 28-3-2001. Any other interpretation would be repugnant to the definition of “light motor vehicle” in Section 2(21) and the provisions of Section 10(2)(d), Rule 8 of the 1989 Rules, other provisions and also the forms which are in tune with the provisions. Even otherwise the forms never intended to exclude transport vehicles from the category of “light motor vehicles” and for light motor vehicle, the validity period of such licence hold good and apply for the transport vehicle of such class also and the expression in Section 10(2)(e) of the Act “Transport Vehicle” would include medium goods vehicle, medium passenger motor vehicle, heavy goods vehicle, heavy passenger motor vehicle which earlier found place in Sections 10(2)(e) to (h) and our conclusion is fortified by the syllabus and rules which we have discussed. Thus, we answer the questions which are referred to us thus:

(i). “Light motor vehicle” as defined in Section 2(21) of the Act would include a transport vehicle as per the weight prescribed in Section 2(21) read with Sections 2(15) and 2(48). Such transport vehicles are not excluded from the definition of the light motor vehicle by virtue of Amendment Act 54 of 1994.

(ii) A transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kg would be a light motor vehicle and also motor car or tractor or a roadroller, “unladen weight” of which does not exceed 7500 kg and holder of a driving licence to drive class of “light motor vehicle” as provided in Section 10(2)(d) is competent to drive a transport vehicle or omnibus, the gross vehicle weight of which does not exceed 7500 kg or a motor car or tractor or roadroller, the “unladen weight” of which does not exceed 7500 kg. That is to say, no separate endorsement on the licence is required to drive a transport vehicle of light motor vehicle class as enumerated above. A licence issued under Section 10(2)(d) continues to be valid after Amendment Act 54 of 1994 and 28-3-2001 in the form.

(iii) The effect of the amendment made by virtue of Act 54 of 1994 w.e.f. 14-11-1994 while substituting clauses (e) to (h) of Section 10(2) which contained “medium goods vehicle” in Section 10(2)(e), “medium passenger motor Section 10(2)(g) and “heavy passenger motor vehicle” in Section 10(2)(h) with expression “transport vehicle” as substituted in Section 10(2)(e) related only to the aforesaid substituted classes only. It does not exclude transport vehicle, from the purview of Section 10(2)(d) and Section 2(41) of the Act i.e. light motor vehicle.

(iv) The effect of amendment of Form 4 by insertion of “transport vehicle” is related only to the categories which were substituted in the year 1994 and the procedure to obtain driving licence for transport vehicle of class of “light motor vehicle” continues to be the same as it was and has not been changed and there is no requirement to obtain separate endorsement to drive transport vehicle, and if a driver is holding licence to drive light motor vehicle, he can drive transport vehicle of such class without any endorsement to that effect.”

7. In view of the above judgment, if unloaded weight of the vehicle does not exceed 7500 Kg and the person is having the driving license of Light Motor Vehicle, he is competent to drive a transport vehicle or omnibus. The learned Tribunal has found that the weight of the said offending vehicle was not exceeding 7500 Kg and, as such, that point is not available to the appellant-insurance company. The learned Tribunal has further appreciated oral and documentary evidence.

8. Learned counsel appearing for the owner submits that arising out the same accident the another appeal has been preferred by the Insurance Company being M.A. 455 of 2024 has already been decided by the judgment dated 5.2.2025 and the same has already been dismissed. He submits that against the same vehicle and arising out of the same accident, another compensation case was filed which is the subject matter of this appeal has been decided by the learned Tribunal on law point in both cases are similar.

9. In view of the above facts, reasons and analysis, and further considering that the deceased had died on the spot and the compensation of Rs.10,66,490/- along with interest of 7.5% per annum was allowed by the learned Tribunal on a cogent reason after appreciating the oral and documentary evidence, there is no perversity in the award. In view of that, no interference is required by this Court as there is no merit in this appeal and, as such, this appeal is dismissed.

10. Since the appellant has not been able to satisfy the Court on merit, I.A. No.1452 of 2025, meant for condonation of delay is also, hereby, dismissed.

11. Consequently I.A. No.7670 of 2025 meant for stay is disposed of.

12. The statutory amount deposited before this Court by the Insurance Company will be transmitted back to the learned Tribunal, which will be utilized in satisfying the award in favour of the claimant.

(Sanjay Kumar Dwivedi, J.)