

Pankaj Kumar Mehta Vs State Of Jharkhand

Court: Jharkhand High Court

Date of Decision: Jan. 23, 2025

Acts Referred: Motor Vehicle Act, 1988 " Section 149, 166

Hon'ble Judges: Gautam Kumar Choudhary, J

Bench: Single Bench

Advocate: Anil Kumar Sinha, Alok Lal

Final Decision: Dismissed

Judgement

Gautam Kumar Choudhary, J

1. The owner of vehicle has preferred the appeal against the award of compensation under Section 166 of the Motor Vehicle Act, 1988 for a sum of

Rs.4,94,500/- with interest @ 6% per annum.

2. The facts of the case are not much in dispute. The appellant is the owner of the vehicle of the truck bearing registration no.JH 02E 1248 which met

with an accident and two laborers who were travelling in the truck, died in the said accident.

3. The claim case was preferred by the legal heirs and the dependents of the deceased impleading the owner of the vehicle, driver and insurer of the

vehicle. The learned Tribunal while awarding compensation saddled the owner with liability by recording a finding of fact that the driver of the

offending vehicle was not having a valid driving license therefore, there was breach of terms and conditions of insurance policy. The instant appeal

has been preferred by the owner inter alia on the ground that the laborers were travelling as representative of goods, were not gratuitous passengers

and therefore, he was covered under the third party liability. So far, license of the driver is concerned, it is submitted that Xerox copy of the driving

license was not produced before the Tribunal.

4. On perusal of the record of the case, I find force in the argument advanced by learned counsel on behalf of Insurance Company that onus was on

the owner or driver of the vehicle to produce valid driving license in support of the pleading that the vehicle was being driven on a valid driving license.

Having failed to produce any valid driving license, the Tribunal rightly held that the vehicle was being driven without any valid driving license which is

a breach of terms and conditions of insurance policy under Section 149 of the M V Act. Therefore, the owner of the vehicle has been rightly saddled

with the liability to pay compensation amount.

5. Under the circumstance, Miscellaneous Appeal fails and is dismissed. Statutory amount will be remitted to learned Tribunal for disbursement to the

claimants after adjusting the compensation amount.