

(2014) 02 P&H CK 0135

High Court Of Punjab And Haryana At Chandigarh**Case No:** First Appeal from Order No. 1062 of 2000

National Insurance Co. Ltd.

APPELLANT

Vs

Gurinder Pal Singh

RESPONDENT

Date of Decision: Feb. 13, 2014**Acts Referred:**

- Motor Vehicles Act, 1988 - Section 3

Citation: (2015) ACJ 755 : (2014) 175 PLR 431 : (2014) 4 RCR(Civil) 612**Hon'ble Judges:** K. Kannan, J**Bench:** Single Bench**Advocate:** Ravinder Mohan Suri, Advocate for the Appellant**Final Decision:** Allowed

Judgement

K. Kannan, J.

The appeal filed by the insurance company is on an issue of liability, for the driver was not duly licenced. He had a licence to drive a car and scooter but he was driving a public service vehicle carrying 15 passengers. Any public service vehicle which is a transport vehicle would require special endorsement u/s 3 of the Motor Vehicle Act. The driver cannot be under the circumstances taken to be having an effective driving licence to secure a full indemnity for the owner. The need for a transport vehicle endorsement has been laid down in [New India Assurance Co. Ltd. Vs. Prabhu Lal](#), and provision for a right of recovery was considered recently by the judgment of the Supreme Court in a situation requiring a transport vehicle endorsement in [S. Iyyapan Vs. United India Insurance Company Ltd. and Another](#). The award of the Tribunal, casting liability on the insurance company without providing for a right of recovery against the owner and driver was, therefore, not in conformity with law. The award stands modified to allow for the insurer to satisfy the amount with the claimants and recover the same from the owner and driver. The appeal is allowed to the above extent.