

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

FAO No.643 of 2008

Decided on: 31.07.2015.

Yogesh Kumar Sood

...Appellant

VERSUS

Mela Ram and others

...Respondents.

Coram

The Hon'ble Mr.Justice Mansoor Ahmad Mir, Chief Justice.

Whether approved for reporting? Yes.

For the Appellant: Mr.Bhupender Thakur, Advocate.

For the Respondents: Ms.Ritta Goswami, Advocate, for
respondent No.1.
Mr.B.M. Chauhan, Advocate, for
respondent No.2.
Nemo for respondents No.3 and 4.

Mansoor Ahmad Mir, C.J.(Oral):

By the medium of instant appeal, the appellant-owner has questioned the award, dated 27th August, 2008, passed by the Motor Accident Claims Tribunal, Kinnaur at Rampur Bushahr, (for short, the Tribunal), in Claim Petition No.123 of 2005, titled Mela Ram vs. Duni Chand through LR's and others, whereby compensation to the tune of Rs.2,67,000/-, with interest at the rate of 9% from the date of filing of the Claim Petition till realization, was awarded in favour of the claimant,

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and the driver and the owner (respondents No.1 and 2 in the Claim Petition) were saddled with the liability, (for short, the impugned award).

2. The appellant-owner has challenged the impugned award on the limited ground that the offending vehicle i.e. Tipper falls under the definition of Light Motor Vehicle and since the driver was having a valid and effective driving licence to drive a Light Motor Vehicle, therefore, the Tribunal has fallen in error while holding that the driver of the offending vehicle was not having a valid and effective driving licence and that the insurer has been wrongly exonerated.

3. I have gone through the impugned award and the record. A perusal of the registration certificate Ext.RW-2/A shows that the unladen weight of the offending vehicle i.e. Tipper was 8000 kg. Therefore, the offending vehicle does not fall within the definition of Light Motor Vehicle.

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4. Admittedly, the driver of the offending vehicle was having driving licence to drive a Light Motor Vehicle and therefore, the Tribunal has rightly fastened the liability upon the owner and the driver.

5. Having said so, the impugned award is well reasoned and needs no interference. The appeal, being without merit, deserves dismissal and the same is dismissed accordingly.

July 31, 2015.
(tilak)

**(Mansoor Ahmad Mir),
Chief Justice.**