

IN THE HIGH COURT OF JHARKHAND AT RANCHI
M.A. No. 09 of 2020

Panchanan Kumar Rai @ Panchanand Kumar Rai & Anr...Appellant(s).
Versus
United India Insurance Company Ltd. & Others ... Respondent(s)
CORAM : HON'BLE MR. JUSTICE ANANDA SEN.
Through: Video Conferencing

For the Appellant(s) : Mr. Vijay Kumar Roy, Advocate.
For the Respondent : Mr. G.C. Jha, Advocate

09/06.09.2021: Heard Mr. Vijay Kumar Roy, counsel appearing on behalf of appellants and Mr. G.C. Jha, counsel appearing on behalf of the Insurance Company.

The main question which falls for consideration in this appeal is whether the vehicle which met with an accident, owned by the appellants, needs a permit under Section 66 of the Motor Vehicle Act to ply on road or not.

The tribunal in M.A. No. 32 of 2013 had frame issue no. 6 which is as follows:-

Whether Owner and driver of Mahindra Commander Jeep bearing no. JH 11B 2703 was holding proper, valid and effective vehicular documents viz. Owner Book, Road permit and driving license at the time of accident?

This issue no. 6 has been dealt with by the Tribunal in paragraph 15 of the Award wherein the Tribunal has held that the vehicle was driven without a permit, thus there was a violation of the terms and condition of the policy.

Considering the point which has been raised that no permit was at all necessary to drive the aforesaid vehicle, this Court feels that an additional issue should be framed in this case and Order XLI rule 27, 28, 29 of the CPC be invoked.

Thus, I am framing an additional issue in this case which would be as follows-

Whether the vehicle bearing registration no. JH 11B 2703 Mahindra Commander Jeep requires a permit under Section 66 of the Motor Vehicle Act for plying on road for commercial purpose or not.

For deciding the aforesaid issue, it is necessary to record evidence. Thus I direct the Motor Accident Claim Tribunal cum District Judge III, Giridih to record evidence pertaining to the aforesaid issue and send the same to this Court. The parties are at liberty to adduce evidences limiting to the aforesaid issue only.

Let a copy of this order be immediately forwarded to the Court below so that the evidence will be recorded and the finding arrived at, be sent to this court within three months.

List this case after three months.