

Rohini Vs. Kumaran

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Court : Kerala

Decided On : Feb-28-2006

Reported in : 2006ACJ1709; 2006(2)KLT8

Judge : Kurian Joseph, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 14, 14(2), 15(2) and 15

Appeal No. : O.P. No. 19270 of 2001

Appellant : Rohini

Respondent : Kumaran

Advocate for Def. : Lal George, Adv.

Advocate for Pet/Ap. : T.G. Rajendran and; N.J. Antony, Adv.

Disposition : Petition allowed

Judgement :

Kurian Joseph, J.

1. The period of validity of a driving licence is the issue raised in this writ petition. In the impugned Ext.P2 award in O.P.(MV)No. 1092/1996 on the files of the Motor Accidents Claims Tribunal, Thalassery it was found that there is violation of the permit and policy conditions since the validity of the driving licence of the driver

was only upto 9-12-1995. The accident took place on 6-1-1996. The renewal of licence is only on 15-1-1996. The contention of the learned Counsel for the petitioners - owner and driver, is that the licence is effective for a period of 30 days from the expiry. The contention of learned Counsel appearing for the respondent Insurance Company is that since the licence was renewed on 15-1-1996, the effect is only from the date of renewal and hence the driver involved in the accident which took place on 6-1-1996 did not have valid licence at that time and hence there is violation of permit/policy. In order to appreciate the rival contentions it is necessary to refer to two provisions -Sections 14 and 15 of the [Motor Vehicles Act, 1988](#). Section 14 reads as follows:-

14. Currency of licences to drive motor vehicles. --

(1) A learner's licence issued under this Act shall, subject to the other provisions of this Act, be effective for a period of six months from the date of issue of the licence.

(2) A driving licence issued or renewed under this Act shall. -

(a) in the case of a licence to drive a transport vehicle, be effective for a period of three years:

Provided that in the case of licence to drive a transport vehicle carrying goods of dangerous or hazardous nature be effective for a period of one year and renewal thereof shall be subject to the condition that the driver undergoes one day refresher course of the prescribed syllabus; and

(b) in the case of any other licence,-

(i) if the person obtaining the licence, either originally or on renewal thereof, has not attained the age of fifty years on the date of issue or, as the case may be, renewal thereof, -

(A) be effective for a period of twenty years from the date of such issue or renewal;
or

(B) until the date on which such person attains the age of fifty years, whichever is earlier;

(ii) if the person referred to in sub-clause (i), has attained the age of fifty years on the date of issue or as the case may be, renewal thereof, be effective, on payment of such fee as may be prescribed, for a period of five years from the date of such issue or renewal:

Provided that every driving licence shall, notwithstanding its expiry under this Sub-section continue to be effective for a period of thirty days from such expiry.

Section 15 to the extent relevant reads as follows:

15. Renewal of driving licences.-- Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry:

Provided that in any case where the application for the renewal of a licence is made more than thirty days after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal:

A reading of Section 14 shows that a driving licence issued or renewed under the Act shall be valid and effective for the various periods stipulated under the sub-section. But the proviso to Sub-section(2) clearly stipulates that the licence either issued or renewed under the Act shall continue to be effective for a period of 30 days from the date of expiry of the period stipulated either in the licence originally issued or renewed thereafter. Section 15 however provides that driving licence is liable to be renewed on the application with effect from the date of the expiry. However, proviso to Section 15(1) makes it clear that once the licence is renewed on the basis of an application filed after 30 days from the date of expiry of the licence, then the renewal is only from the date of issue of renewed licence. The relevance for the 30 days provided under Section 15(1) proviso is the proviso to Section 14(2) regarding the continued effect of driving licence for a period of 30 days after the expiry of the period stipulated either in the licence originally issued or renewed thereafter. Therefore for the only reason that there is renewal of

driving licence under proviso to Section 15, after thirty days of expiry of licence, it cannot be said that the effect of the licence ceases to exist before the 30 days period prescribed under Section 14(2) proviso. A driving licence is valid and effective for a period of 30 days after the date of expiry of the period shown in the licence. If the application for renewal is made within 30 days, the licence is valid and effective from the date of expiry shown in the licence, when renewed. If the application for renewal is after the expiry of 30 days from the date shown in the licence, the renewed licence is valid and effective only from the date of issue.

2. In the instant case the licence is admittedly valid upto 9-12-1995. Therefore, it has effect till 8-1-1996. Since the licence is renewed only on 15-1-1996 the licence does not have any effect from 8-1-1996 to 15-1-1996. As the date of accident is on 6-1-1996, the driver has a valid licence since the same is within the 30 days of the expiry of the validity. Therefore, there is no violation of the permit/policy conditions.

Accordingly the writ petition is allowed setting aside Ext.P2 award dated 27-1-2001 in O.P.(MV)No. 1092/1996 on the files of the Motor Accidents Claims Tribunal, Thalassery to the extent it contains a declaration that the insurance is not liable to indemnify the insured.

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