



2026:AHC-LKO:67487

**Reserved on : August 4, 2026**

**Pronounced on : September 23, 2026**

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**FIRST APPEAL FROM ORDER No. - 350 of 2019**

National Insurance Company Ltd.Lucknow  
Throu.Astt.Manager

.....Appellant(s)

Versus

Reena Devi And Ors.

.....Respondent(s)

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|---------------------------|---|---------------------------|
| Counsel for Appellant(s)  | : | Tarun Kumar Misra         |
| Counsel for Respondent(s) | : | Suresh Chandra Srivastava |

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**Court No. - 20**

**HON'BLE PRASHANT KUMAR, J.**

1. The instant appeal has been preferred under Section 173 of the Motor Vehicle Act, 1988 against the judgment and award dated 28.03.2019 passed by the Motor Accident Claims Tribunal, Sultanpur in M.A.C.P. No.166 of 2015, whereby compensation of Rs.19,04,000/- along with interest has been awarded in favour of the claimants-respondents.

2. The factual matrix, in brief, is that on 27.03.2015, at about 1:30 p.m., Mahendra Kumar was returning home on his motorcycle bearing registration No.UP 44 AD 6549, with Uttam Kumar Upadhaya as the pillion rider. When they reached near Kamta Market, District Sultanpur, a tanker bearing registration No.HR 55 L-2461, coming from the Sultanpur side and being driven in a rash and negligent manner, collided with the motorcycle. As a result of the accident, Mahendra Kumar sustained grievous injuries and died on the spot, while the pillion rider, Uttam Kumar Upadhaya, also sustained grievous injuries.

3. The legal heirs and dependants of the deceased thereafter instituted a claim petition before the Motor Accident Claims Tribunal, Sultanpur wherein all the three defendants have filed their respective written statements denying the allegations made in the claim petition. At the time of the accident, the deceased was 28 years of age and was employed as a Class IV employee at Janjiradas Shambhunath Singh Intermediate College, Narharpur, District Sultanpur, earning a monthly salary of Rs.17,000/-.

4. The Tribunal after looking into the pleadings framed the necessary issues and, after appreciating the documentary and oral evidence adduced by the parties, recorded a finding that the accident had occurred solely due to the rash and negligent driving of the offending tanker. The Tribunal further held that there was no contributory negligence on the part of the deceased. It was also found that the offending vehicle possessed a valid registration certificate and was duly insured on the date of the accident. The Tribunal further held that the driver of the offending vehicle was holding a valid driving licence. Consequently, taking into consideration the age, occupation and income of the deceased, the Tribunal, by its award dated 28.03.2019, awarded a sum of Rs.19,04,000/- along with interest at the rate of 7% per annum.

5. Aggrieved by the aforesaid award, the Insurance Company has preferred the present appeal.

6. Mr. Tarun Kumar Misra, learned counsel appearing for the appellant-Insurance Company, submits that the Tribunal has erroneously decided Issue No. 3 by holding that the driver of the offending vehicle possessed a valid driving licence. According to him, although the driver held a valid licence to drive a heavy goods vehicle, he did not possess the requisite endorsement authorising him to drive a vehicle carrying dangerous or hazardous goods. Since the offending vehicle was a tanker carrying spirit, which according to the appellant falls within the category of hazardous goods, the driver cannot be said to have possessed a valid and effective driving licence.

7. Learned counsel further places reliance upon Rule 9(3) of the Central Motor Vehicles Rules, 1989, which provides that the licensing authority shall, upon receipt of the prescribed application, make an endorsement on the driving licence authorising the holder to drive a goods carriage carrying dangerous or hazardous goods.

8. It is further submitted that during the pendency of the proceedings before the Tribunal, the appellant sought information from the Regional Transport Officer (R.T.O.) under the Right to Information Act regarding whether the driver's licence contained the requisite endorsement for transporting hazardous goods. In response dated 28.08.2018, the R.T.O. informed that no such endorsement existed on the driver's licence. It is, therefore, submitted that the Tribunal committed a manifest error in holding that the driver possessed a valid driving licence. Learned counsel further submits that the

offending tanker was carrying spirit, which is ethanol, and ethanol finds mention in Table III appended to the Central Motor Vehicles Rules, 1989 at Serial No.851 to 853, Ethanol is held to be a hazardous substance. Consequently, it is argued that the absence of the requisite endorsement constitutes a breach of the policy conditions, absolving the insurer of its liability.

9. He further submitted that the appellant had sought an information from the R.T.O. who issued driving licence and the reply to the information sought by the R.T.O. states as follows:-

"उक्त विषयक आप द्वारा चाही गयी सूचना निम्नवत है।

1- DL No-UP27/2000/0007582 श्री नवतेज प्रताप सिंह s/o श्री दिलबाग सिंह निवासी-ग्राम गंगेपुर तहसिललहर शाहजहाँपुर

केवल-मोसा+LmvN.T. जारी दिनांक-24/5/2000 से 04/8/2029 दिनांक 01/9/2001 को (HGV) हेतु पृष्ठांकन किया गया।

2- नवीनी करण दिनांक 27/10/2013 से 26/10/2016 अंतिम ट्रांस रिनूवल वैधता-25/10/2016 से 26/10/2019"

10. *Per contra*, Mr. Suresh Chandra Srivastava, learned counsel appearing for the claimants-respondents No.1 to 3, supported the impugned award. He submitted that the Tribunal after considering all the facts and circumstances rightly passed an award, wherein it held that the driver of the offending vehicle had a valid driving licence.

11. He further submitted that the argument raised by the appellant that the deceased was carrying spirit, which falls within the category of hazardous goods and, therefore, required a separate licence, is wholly misconceived. Firstly, spirit, per se, does not fall within the category of hazardous goods. The hazardous goods have been laid down in Table III of the Central Motor Vehicles Rules, 1989. A plain reading of the items specified therein makes it clear that not every type of spirit can be treated as hazardous only certain blended spirits fall within the category of hazardous goods. Thus, the contention raised by the appellant is nothing but an afterthought to evade its liability to pay the compensation.

12. Heard Mr. Tarun Kumar Mishra, learned counsel for the appellant, Mr. Suresh Chandra Srivastava, learned counsel for claimants-respondents No.1

to 3 and perused the record.

13. Despite service being complete, none has appeared on behalf of the owner or the driver of the offending vehicle and owner of the tanker.

**Analysis**

14. There is no dispute with regard to the occurrence of the accident. The evidence available on record clearly establishes that on 27.03.2015, the deceased Mahendra Kumar, while returning home on his motorcycle bearing registration No. UP 44 AD 6549, along with the pillion rider, was hit by the offending tanker bearing registration No. HR 55 L-2461, which was being driven in a rash and negligent manner. As a consequence thereof, the deceased sustained fatal injuries and died on the spot. At the time of his death, he was 28 years of age and was serving as a Class IV employee in an Intermediate College, earning a monthly salary of Rs.17,000/-.

15. Upon appreciation of the evidence on record, the Tribunal rightly concluded that the accident occurred solely due to the rash and negligent driving of the offending vehicle. It also recorded findings that the offending vehicle possessed a valid registration certificate and was covered by a valid insurance policy on the date of the accident. The Tribunal further found that the driver was holding a valid driving licence.

16. Rule 9(3) of the Central Motor Vehicles Rules, 1989, reads as under:-

*"The licensing authority, on receipt of the application referred to in sub-rule (2), shall make an endorsement in the driving licence of the applicant to the effect that he is authorised to drive a goods carriage carrying goods of dangerous or hazardous nature to human life."*

17. Table III appended to the Central Motor Vehicles Rules, 1989 is also reproduced below:-

**TABLE III**

**LIST OF HAZARDOUS GOODS**

E-Explosive, F-Flammable, O-Oxidizing, R-Reactive, C-Corrosive, Ra-Radioactive, T-Toxic, G-Gas

| Sr.<br>No. | Name                                     | E | F | O | R | C | Ra | T | G |
|------------|------------------------------------------|---|---|---|---|---|----|---|---|
| .          |                                          |   |   |   |   |   |    |   |   |
| .          |                                          |   |   |   |   |   |    |   |   |
| 850        | Ethanesulfenyl Chloride,<br>2 Chloro     |   |   |   |   |   |    |   | G |
| 851        | Ethanol 1-2<br>Dichloracetate            |   |   |   |   |   |    | T |   |
| 852        | Ethanol or Ethanol<br>Solution           |   | F |   |   |   |    |   |   |
| 853        | Ethanolamine or<br>Ethanolamine Solution |   |   |   |   | C |    |   |   |
| 854        | Ethers, N.O.S.                           |   | F |   |   |   |    |   |   |
| 855        | Ethion                                   |   |   |   |   |   |    | T |   |
| 856        | Ethoprophos                              |   |   |   |   |   |    | T |   |
| 857        | Ethyl 2-Chloropropionate                 |   | F |   |   |   |    |   |   |
| 858        | Ethyl Acetate                            |   | F |   |   |   |    |   |   |
| 859        | Ethyl Acrylate, Stabilized               |   | F |   |   |   |    |   |   |
| 860        | Ethyl Alcohol                            |   | F |   |   |   |    |   |   |
| .          |                                          |   |   |   |   |   |    |   |   |
| .          |                                          |   |   |   |   |   |    |   |   |
| .          |                                          |   |   |   |   |   |    |   |   |
| 890        | Ethyl Propyl Ether                       |   | F |   |   |   |    |   |   |
| 891        | Ethyl Thiocyanate                        |   |   |   |   |   |    | T |   |
| 892        | Ethylacetylene,<br>Stabilized            |   |   |   |   |   |    |   | G |
| 893        | Ethylamine                               |   |   |   |   |   |    |   | G |
| 894        | Ethylamine, Aqueous                      |   | F |   |   |   |    |   |   |

|     |                     |   |  |  |  |  |   |   |
|-----|---------------------|---|--|--|--|--|---|---|
|     | Solution            |   |  |  |  |  |   |   |
| 895 | Ethylbenzene        | F |  |  |  |  |   |   |
| 896 | Ethyldichlorosilane |   |  |  |  |  | T |   |
| 897 | Ethyldichlorosilane | F |  |  |  |  |   |   |
| 898 | Ethylene            |   |  |  |  |  |   | G |

18. A plain reading of Table III does not indicate that every variety of spirit or ethanol per se is classified as a hazardous substance. The Table specifically enumerates only certain specified categories of ethanol falling within Serial Nos. 851 to 853 as hazardous goods.

19. Merely because the tanker was carrying spirit would not, by itself, lead to the conclusion that it was transporting hazardous goods within the meaning of the Rules. The main contention of the appellant is based upon the information furnished by the R.T.O. under the Right to Information Act. However, a careful reading of the said information reveals only that the driver did not possess a separate endorsement for carrying hazardous goods. The same communication also unequivocally certifies that the driver was holding a valid driving licence to drive a heavy goods vehicle, valid from 27.10.2013 to 26.10.2016, and thereafter renewed from 25.10.2016 to 26.10.2019. Admittedly, the accident occurred during the currency of the said licence.

20. Significantly, there is no material available on record to establish that the substance being transported by the offending vehicle fell within any of the hazardous categories enumerated in Table III of the Central Motor Vehicles Rules, 1989. The transport documents merely indicate that the tanker was carrying spirit. The appellant has attempted to equate spirit with ethanol and to submit that ethanol is a hazardous substance. Such submission cannot be accepted in the absence of any evidence demonstrating that the particular substance being transported belonged to one of the specified categories of ethanol mentioned in Serial Nos. 851 to 853 of Table III. In the absence of such evidence, it cannot be assumed that the offending vehicle was carrying hazardous goods so as to require a special endorsement on the driver's licence.

21. Accordingly, this Court finds no illegality in the findings recorded by the

Tribunal. The appellant has failed to establish any breach of the policy conditions.

22. The instant appeal sans merit and is, accordingly, **dismissed**.

23. The statutory amount, if any, deposited by the appellants shall be remitted to the Tribunal for adjustment in accordance with law.

**September 23, 2026**  
Saurabh Yadav/-

**(Prashant Kumar,J.)**