

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**FAO No.235 of 2014****Reserved on: 17.09.2026****Date of decision: 21.09.2026****Date of uploading on Website: 21.09.2026**

Senior Divisional Manager, Oriental Insurance Co. Ltd.**.....Appellant****Versus****Vinod and others****.....Respondents**

Coram**Hon'ble Mr. Justice Sushil Kukreja, Judge**¹ *Whether approved for reporting?*

For the appellant: Dr. Lalit K. Sharma, Advocate.**For the respondents: Mr. Sparsh Bhushan, Advocate, for
respondent No.1.
None for respondents No.2 & 3.**

Sushil Kukreja, Judge

The instant appeal is maintained by the appellant-Insurance Company under Section 173 of the Motor Vehicles Act (for short 'MV Act'), against award dated 01.04.2014 passed by the learned Motor Accidents Claim Tribunal-II, Sirmaur District at Nahan, H.P., H.P., in MAC Petition No.84-N/2 of 2009, with a prayer to quash and set aside the same. The parties shall be

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

referred to as they were before the learned Tribunal below.

2. Briefly facts of the case, giving rise to present appeal, are that the petitioner filed a claim petition under Section 166 of MV Act before the learned Tribunal below, whereby he sought compensation to the tune of Rs.5,00,000/- on account of the injuries suffered by him in a motor vehicular accident. It was averred by the petitioner that on 17.10.2007, he was travelling in Bolero Camper bearing registration No.HP-17B-0137, alongwith his vegetables and when the said vehicle reached near Village Shilai at about 1:30 AM, its driver, i.e. respondent No.1-Tikkam Singh lost control over the vehicle due to high speed and it fell down into a gorge, as a result of which, he sustained multiple and grievous injuries on his person. After the accident, he was taken to Paonta Sahib Hospital, from where he was referred to IGMC, Shimla and remained admitted there from 22.10.2007 to 27.10.2007. As per the petitioner, he suffered permanent disability due to the said accident and spent more than Rs.30,000/- on his treatment.

3. Respondent No.2, in his reply admitted that the petitioner was taking vegetables in the vehicle in question. It was averred that the compensation claimed was highly exaggerated

and disproportionate and denied that the petitioner was earning anything. It was further averred that the petitioner sustained minor injuries in the said accident.

4. In its reply, respondent No.3-insurance company took preliminary objections that the driver of Balero Camper was not possessing a valid and effective driving licence, the vehicle was being plied in violation of the terms and conditions of the policy, the petitioner was travelling as an unauthorized passenger in the vehicle and the petition was filed in collusion with respondents No.1 & 2. On merits, it was denied that the petitioner remained admitted in IGMCI Shimla from 22.10.2007 to 27.10.2007.

5. On the basis of the pleadings of the parties, the learned Tribunal below framed the following issues on 20.11.2012:-

- “1. Whether the petitioner has suffered injuries on account of rash and negligent driving of Bolero Camper No. HP-17B-0317 on the part of respondent No.2, on 17.10.2007 at about 1:30 AM near Village Shillai, as alleged? OPP***
- 2. If issue No.1 is proved, whether the petitioner is entitled to the compensation if so, to what amount and from whom? OPP***
- 3. Whether the driver of the offending vehicle was not holding a valid and effective driving licence, as alleged? OPR-3***
- 4. Whether the offending vehicle was being plied in violation of the terms and conditions of the***

Insurance Policy, as alleged? ...OPR-3

5. *Whether the petition has been filed by the petitioner in collusion with respondents No.1 & 2, as alleged? ...OPR-3*

6. *Relief.*

6. After parties led their evidence, the claim petition was partly allowed and the petitioner was held entitled to compensation in the sum of Rs.30,322/- alongwith interest at the rate of 7.5% per annum from the date of filing of the petition till the date of deposit of amount and respondent No.3 was directed to deposit the amount within a period of two months.

7. Feeling aggrieved/dissatisfied, the appellant/ Oriental Insurance Company preferred the instant appeal against award dated 01.04.2014, passed by the learned Tribunal below, with the prayer to quash and set-aside the impugned award and consequently the appellant be exonerated from the liability in question.

8. Learned counsel for the appellant/Insurance Company contended that the driver of the offending vehicle was not holding a valid and effective driving licence at the time of the accident as he was having the driving licence to drive Light Motor Vehicles (LMV) only. He further contended that the vehicle involved in the accident was a Bolero Camper, which was a

transport vehicle and there was no endorsement on the licence for driving a transport vehicle, therefore, the Insurance Company is not liable to pay any compensation to the petitioner.

9. On the other hand, learned counsel for the respondent No.1 supported the award and contended that the impugned award has been passed by the learned Tribunal below after appreciating the evidence in its right and proper perspective.

10. I have heard learned counsel for the appellant as well as learned counsel for respondent No.1 and also carefully examined the entire record.

11. The question which arises for consideration before this Court is as to the whether the driver of the vehicle in question was not holding a valid and effective driving licence at the time of the accident in question. The perusal of Registration Certificate Ext.RW-1/B reveals that the description of the vehicle involved in the accident was LTV (Bolero Camper), the unladen weight of which was 1705 KG. Similarly, perusal of driving licence Ext.RW1/B reveals that the said licence was valid w.e.f. 24.06.2006 to 23.06.2011 to drive Motorcycle/Scooter & Light Motor Vehicle (NTPT).

12. Learned counsel for the appellant-Insurance Company contended that driver/respondent No.1 was not having a valid and effective driving licence as at the relevant point of time he was having a driving licence valid only for driving LMV-(NTPT), but not for driving commercial vehicle. However, this contention of the learned counsel for appellant-Insurance Company cannot be accepted in view of the recent decision by the Constitution Bench of Hon'ble Supreme Court in ***Bajaj Alliance General Insurance Company Limited Vs. Rambha Devi and others, (2025) 3 SCC 95***, wherein it has been held that a person holding a licence for light motor vehicle under Section 10(2)(d) of MV Act for vehicles with a gross weight under 7500 KG, he is entitled and permitted to operate a transport vehicle without needing any additional authorization under Section 10(2)(e) of MV Act, specifically for the transport vehicle having unladen weight under 7500 KG. Relevant portions of the judgment read as under:-

"181.1. A driver holding a licence for light motor vehicle (LMV) class. under Section 10(2)(d) for vehicles with a gross vehicle weight under 7500 kg. is permitted to operate a "transport vehicle" without needing additional authorisation under Section 10(2)(e) of the MV Act specifically for the "transport vehicle" class. For licensing purposes, LMVs and transport vehicles are not entirely separate classes. An overlap exists between the two. The special eligibility requirements will however continue to apply for, inter alia, e-carts, e-rickshaws, and vehicles carrying hazardous goods.

181.2. The second part of Section 3(1), which emphasises the necessity of a specific requirement to drive a "transport

vehicle", does not supersede the definition of LMV provided in Section 2(21) of the MV Act.

181.3. The additional eligibility criteria specified in the MV Act and the MV Rules generally for driving "transport vehicles" would apply only to those intending to operate vehicles with gross vehicle weight exceeding 7500 kg i.e. "medium goods vehicle", "medium passenger vehicle", "heavy goods vehicle" and "heavy passenger vehicle".

181.4. The decision in *Mukund Dewangan (2017)* is upheld but for reasons as explained by us in this judgment. In the absence of any obtrusive omission, the decision is not per incuriam, even if certain provisions of the MV Act and the MV Rules were not considered in the said judgment."

13. Thus, as per the principle enunciated in the case cited supra, a driver holding a licence for light motor vehicle (LMV) with a gross vehicle weight under 7500 kg, is permitted to operate a "transport vehicle" without needing additional authorization to drive transport vehicle. In the instant case, it is not in dispute that the vehicle in question was LTV, the gross weight of which was less than 7500 KG as is evident from the copy of Registration Certificate Ext.RW-1/B and Insurance Policy Ext. RW1/C. At the time of accident, the vehicle in question was being driven by a driver having licence to drive LMV-NT. Since driver of the vehicle in question was admittedly having driving licence to drive a light motor vehicle, therefore, in view of **Rambha Devi's** case (supra), no additional authorization was required to drive a light transport vehicle. Hence, it cannot be said that at the time of accident, the driver was not having a valid and effective driving

licence to drive the offending vehicle, as such, the findings returned by the learned Tribunal below, in this regard, require no interference.

14. No other point was urged before this Court.

15. Therefore, in view of my aforesaid discussion, no interference is required in the impugned award dated 01.04.2014, passed by the learned Tribunal below. Consequently, the instant appeal, being devoid of merits, deserves dismissal and is accordingly dismissed.

Pending miscellaneous application(s), if any, shall stand disposed of.

(Sushil Kukreja)
Judge

September 21, 2026
(V.Himalvi)