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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 6th September, 2017

\+ MAC.APP. 668/2016

RELIANCE GENERAL INSURANCE CO LTD ..... Appellant

Through: Mr. Rajeev M. Roy & Mr. P. Srinivasan, Advs.

versus

SANTOSH KUMAR & ORS ..... Respondents

Through: Mr. R.D. Joshi, Adv. for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. By judgment dated 06.05.2016 of the motor accident claims tribunal on claim petition (suit no. 88/2015) of the first respondent (claimant), while awarding compensation in his favour for injuries suffered in the motor vehicular accident that occurred on 06.01.2015, due to negligent driving of motor vehicle described as Tata Tipper bearing registration no. DL 1LR 2224, concededly insured against third party risk with the appellant insurance company, its plea for exoneration on the ground that the driver (second respondent) was not holding a valid or effective driving licence was rejected. It is the contention of the insurance company that since the motor vehicle in question was light goods vehicle (LGV), the driver holding a licence

for light motor vehicle (LMV), there was breach of terms and conditions of the insurance policy. This plea must be rejected in view of the decision of the Supreme Court in *Mukund Dewangan vs. Oriental Insurance Company Limited, 2017 (7) SCALE 731* and of this court in MAC Appeal No. 869/2014 *Ahmad Hussain vs. Santri Devi & Ors.* decided on 25th August, 2017.

2. The appeal is found devoid of substance and is dismissed.

3. By order dated 01.09.2016, the insurance company had been directed to deposit the entire awarded amount with State Bank of India, Saket Court Complex, New Delhi, out of such amount, some portion was allowed to be released. The balance shall now be released to the claimants in terms of the impugned judgment.

4. The statutory deposit shall be refunded.

R.K.GAUBA, J.

SEPTEMBER 06, 2017
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