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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO-4814-2014(O&M)

Date of Decision: July 25, 2019

Sarwan and another

.....Appellants

Versus

Mahabir and another

.....Respondents

**CORAM: HON'BLE MS.JUSTICE NIRMALJIT KAUR**

Present: Mr.Gaurav Jaglan, Advocate for  
Mr.Vikram Singh Dhakla, Advocate  
for the appellants.

Mr.Yashveer Kharb, Advocate for  
Mr.Ajay Ghangas, Advocate  
for respondent No.1.  
Mr.Ashwani Talwar, Advocate  
for respondent No.2.

.....

**NIRMALJIT KAUR, J. (ORAL)**

It is not disputed that the question involved in the present case is no more *res integra* in view of the judgment rendered by the Apex Court in **Mukund Dewangan vs Oriental Insurance Company Limited**, AIR 2017 SC 3668 wherein it is held that a transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kg. would be a light motor vehicle and also motor car or tractor or a road roller, 'unladen weight' of which does not exceed 7500 kg. and holder of a driving licence to drive class of "light motor vehicle" as provided in Section 10(2)(d) is competent to drive a transport vehicle or omnibus, the gross vehicle weight of which does not exceed 7500 kg. or a motor car or tractor or road-roller,

separate endorsement on the licence is required to drive a transport vehicle of light motor vehicle class as enumerated above. A licence issued under Section 10(2)(d) continues to be valid after Amendment Act 54/1994 and 28.03.2011 in the form.

In view of the same, appeal is allowed and the liability of the amount, to the extent vide which it has been fastened on the appellants, shall now be shared jointly and severally and the first liability shall be the Insurance Company-respondent No.2.

**July 25, 2019**  
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**( NIRMALJIT KAUR )**  
**JUDGE**

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|---------------------------------------|---------------|
| <b>1. Whether speaking/reasoned ?</b> | <b>Yes/No</b> |
| <b>2. Whether reportable ?</b>        | <b>Yes/No</b> |