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

Decided on: 20.01.2020.

+ **MAC.APP. 20/2020**

TATA AIG GENERAL INSURANCE CO LTD Appellant
Through: Mr. Rudra Kahlon, Adv. with
Ms. Vandana Kahlon, Adv.
versus

VIJAY KUMAR @ VIJAY BAHADUR & ORS Respondents
Through

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 1904/2020 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed-off.

MAC.APP. 20/2020 & CM APP. 1903/2020

3. This appeal impugns the award of compensation dated 11.10.2019 passed by the learned MACT in MACP No. 294/2016, insofar as it has not granted right of recovery to the appellant against the owner of the vehicle. It is the appellant's contention that the offending vehicle weighed over 11,900 kgs. However, in terms of the dicta of the Supreme Court in *Mukund Dewangan vs. Oriental Ins. Co. Ltd.*, (2016) 4 SCC 298, where the unladen weight of the vehicle does not exceed 7,500 kgs., it is considered as a light motor vehicle under section 2(21) of the Motor Vehicles Act, 1988.

4. Admittedly, unladen weight of the vehicle involved in the motor vehicular accident was 5,050 kgs., therefore, it is covered under the category of light motor vehicle, for which the driver had a valid driving licence. The non-grant of right of recovery does not call for any interference.

5. The appeal is without merit and is accordingly, dismissed.

6. The statutory amount, alongwith interest accrued thereon, be deposited into the 'AASRA' Fund created by this Court.

JANUARY 20, 2020

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NAJMI WAZIRI, J

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