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

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Decided on: 17.02.2020

+ **MAC.APP. 80/2020**

ORIENTAL INSURANCE CO LTD

..... Petitioner

Through: **Mr. R.K. Tripathi, Adv.**

versus

SIKHA BOSE & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 6248/2020(Exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

MAC.APP. 80/2020 & CM APPL. 6247/2020

1. This appeal impugns the order dated 06.11.2019 passed by the learned MACT in MACT No. 50847/2016 on the ground that the driver did not possess a valid driving licence for driving a commercial vehicle, albeit he did possess one, to drive an LMV-NT. The said contention is no more valid in terms of dicta of the Supreme Court in *Mukund Dewangan vs. Oriental Insurance Co. Ltd.* (2017) 14 SCC 663, whereunder it is settled law that the holder of a driving licence for Light Motor Vehicle (LMV) can drive any

motor vehicle whose unladen weight is under 7500 kgs. The offending vehicle in the present case, was a motor taxi, which had an unladen weight of around 1200 kgs and laden weight of around 1600 kgs. Therefore it will be covered by the aforesaid judgment.

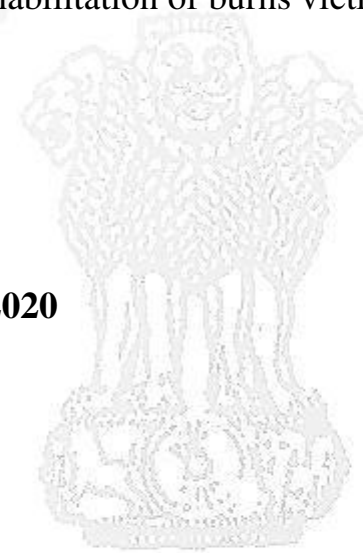
2. There is no merit in the appeal and the same is hereby dismissed.

3. The statutory amount, along with interest accrued thereon, be deposited into the 'AASRA' Fund created by this Court for the amelioration or the conditioning and rehabilitation of burns victims.

FEBRUARY 17, 2020

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NAJMI WAZIRI, J



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