



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 04.12.2025

FAO-1979-2008(O&M)

The Oriental Insurance Company Limited

...Appellant(s)

Vs.

Smt. Suman Devi & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Sahaj Mahajan, Advocate for
Mr. R.K. Bishamboo, Advocate
for the appellant/insurance company.

NIDHI GUPTA, J.

Present appeal has been filed by the Insurance Company assailing the Award dated 20.03.2008 passed by the learned Motor Accident Claims Tribunal, Rewari whereby claim petition No. 141/2006 dated 25.08.2006 filed by the claimants/respondents no.1 to 3 herein, has been allowed; and claimants have been awarded compensation of Rs.15,59,100/-.

2. By way of the present Appeal, the appellant/insurance company is seeking recovery rights against the respondents No.4 and 5/the driver and owner respectively of the Indica Car bearing registration No.DL-3CAC-0794 (hereinafter referred to as "the offending vehicle") on the ground that respondent No.4 did not possess a valid Driving Licence on the date of accident.



3. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Birender Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 22.07.2006 due to the rash and negligent driving of the offending vehicle by respondent No.4, owned by respondent No.5, and insured by the appellant. The three claimants are the widow and two children of deceased Birender Singh, who was 49 years old at the time of accident. The appellant and respondents No.4 and 5 were held jointly and severally liable for payment of compensation.

4. Ld. Counsel for the appellant submits that recovery rights are liable to be granted to the appellant on the ground that on the date of accident, the respondent No.4 did not possess a valid driving license to drive the offending vehicle. It is submitted that as per the driving license produced by respondent no.4, he was only authorised to drive Heavy Transport Vehicle; whereas in the present case, the offending vehicle was a car. It is submitted that therefore, the appellant was entitled to recovery rights against respondents No.4 and 5.

5. No other argument is made on behalf of the appellant.

6. I have heard learned counsel and perused the case file in detail.

7. The argument of the appellant is misconceived in view of the latest Constitution Bench judgment of the Hon'ble Supreme Court rendered



in **M/s Bajaj Alliance General Insurance Co. Ltd. v. Rambha Devi (SC)(Constitution Bench) : Law Finder Doc ID # 2661595**, wherein it is held that holder of Light Motor Driving Vehicle does not need separate authorisation to drive Transport Vehicle weighing less than 7500 kg. In the present case, it is the reverse inasmuch as it is admitted fact that respondent No.4 was authorised to drive Heavy Motor Transport Vehicle. Needless to say, if the respondent no.4 is licensed to drive a Heavy Motor Transport Vehicle, then, it is but trite that he would be competent to drive the offending car, which is a Light Motor Vehicle weighing less than 7500 kg.

8. In view of the above noted position, present appeal is **dismissed.**

9. Pending application(s) if any also stand(s) disposed of.

04.12.2025
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No