



107-1

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-1964-2016(O&M)

Date of Decision : 28.08.2025

VEER SINGH AND ANR

.... Appellants

VERSUS

MUNNI AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tarun Yadav, Advocate for the appellants.

Mr. Sanjeev Kr. Panwar, Advocate for respondents No.1 to 9.

Mr. Vinod Gupta, Advocate and
Mr. Didar Singh, Advocate for respondent No.10.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the driver and the owner of the offending vehicle aggrieved by the award dated 15.10.2015 passed by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as the 'Tribunal') on the ground that recovery rights have been granted to respondent No.10-Insurance Company.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

3. Learned counsel for the appellants would contend that the offending vehicle in the present case was an Eicher Canter bearing registration No.HR-38/P-6749 the unladen weight of which was, admittedly, below 7500

kgs and as such the licence of Light Motor Vehicle (LMV) held by the driver would be considered as a valid licence for driving the said vehicle as well. In this regard learned counsel for the appellants has relied upon a judgment of the Hon'ble Supreme Court in the case of **Mukund Dewangan Vs. Oriental Insurance Company Limited [2017 (4) RCR (Civil) 111]**. Learned counsel for the appellants would further contend that since the unladen weight of the offending vehicle was 2650 kgs as per its registration certificate, hence, the finding of the Tribunal exonerating respondent No.10-Insurance Company is wrong.

4. *Per contra*, learned counsel for respondent No.10-Insurance Company has contended that licence of a Light Motor Vehicle (LMV) would not be valid for driving an Eicher Canter and that the licence of the driver in the present case did not bear any endorsement authorizing him to drive the said Eicher Canter hence recovery rights have rightly been given by the Tribunal.

5. Heard

6. In the present case the offending vehicle was an Eicher Canter bearing registration No.HR-38/P-6749. The licence held by the driver was for driving Light Motor Vehicle (LMV). As per the registration certificate of the offending vehicle tendered in evidence as Ex.R3, the unladen weight of the same was 2650 kgs.

7. Section 2(21) of the Motor Vehicles Act, 1988 reads as under :

'2(21) "light motor vehicle" means a transport vehicle or omnibus the gross vehicle weight of either of which or a

motor car or tractor or road-roller the unladen weight of any of which, does not exceed 7500 kilograms.'

8. The argument of the learned counsel for respondent No.10-Insurance Company that since the driving licence was only to drive a Light Motor Vehicle (LMV) and that the same did not bear any endorsement authorizing the driver to drive an Eicher Canter deserves to be rejected in view of the judgment of the Hon'ble Supreme Court in the case of **Mukund Dewangan** (supra) wherein it was held as under :

'(ii) A transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kgs would be a light motor vehicle and also motor car or tractor or a road roller, 'unladen weight' of which does not exceed 7500 kgs 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, the "unladen weight" of which does not exceed 7500 kg. That is to say, no 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 28.03.2001 in the form.'

Further, the judgment in the case of **Mukund Dewangan** (supra) was reconsidered by the Constitution Bench of the Hon'ble Supreme Court in the case of **M/s Bajaj Alliance General Insurance Co. Ltd. vs. Rambha Devi & Ors. [2025(1) RCR (Civil) 5]** wherein it was held as under :

“131. Our conclusions following the above discussion are as under:-

(I) A driver holding a license for Light Motor Vehicle (LMV) class, under Section 10(2)(d) for vehicles with a gross vehicle weight under 7,500 kg, is permitted to operate a ‘Transport Vehicle’ without needing additional authorization under Section 10(2)(e) of the MV Act specifically for the ‘Transport Vehicle’ class. For licensing purposes, LMVs and Transport Vehicles are not entirely separate classes. An overlap exists between the two. The special eligibility requirements will however continue to apply for, inter alia, e-carts, erickshaws, and vehicles carrying hazardous goods.

(II) The second part of Section 3(1), which emphasizes the necessity of a specific requirement to drive a ‘Transport Vehicle,’ does not supersede the definition of LMV provided in Section 2(21) of the MV Act.

(III) The additional eligibility criteria specified in the MV Act and MV Rules generally for driving ‘transport vehicles’ would apply only to those intending to operate

vehicles with gross vehicle weight exceeding 7,500 kg i.e. 'medium goods vehicle', 'medium passenger vehicle', 'heavy goods vehicle' and 'heavy passenger vehicle'.

(IV) The decision in Mukund Dewangan (2017) is upheld but for reasons as explained by us in this judgment. In the absence of any obtrusive omission, the decision is not per incuriam, even if certain provisions of the MV Act and MV Rules were not considered in the said judgment."

9. In view of the above, since the unladen weight of the offending vehicle was less than 7500 kgs., the driver thereof was duly authorized to drive the same vide his driving licence (Ex.R1). Hence, the present appeal filed by the driver and the owner of the offending vehicle is liable to be allowed and the liability to pay the compensation would be that of the respondent No.10-Insurance Company.

10. No other argument has been raised by either of the counsel. Accordingly, the present appeal is allowed and the impugned award stands modified to the extent that respondent No.10-Insurance Company is held liable to pay the amount of compensation to the claimants.

11. Pending applications, if any, also stand disposed off.

28.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*