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

**CM No.4338-CII of 2025 in/and**

**FAO No.1427 of 2025 (O&M)**

**Date of Decision : 24.02.2026**

Satish Kumar

....Appellant

Versus

Nan Kaur and others

.....Respondents

**CORAM: HON'BLE MR JUSTICE PANKAJ JAIN**

Present: Mr. Aman Kumar, Advocate for  
Mr. Sandeep Goyat, Advocate  
for the applicant/appellant.

**PANKAJ JAIN, J. (ORAL)**

**CM No.4338-CII of 2025**

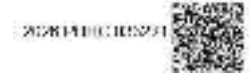
This is an application filed under Section 5 of the Limitation Act seeking condonation of delay of 34 days in filing the appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. Delay of 34 days in filing the present appeal, is hereby condoned.

**FAO No.1427 of 2025 (O&M)**

Challenge is to the order dated 19.11.2024 passed by Commissioner under the Employee's Compensation Act, 1923.



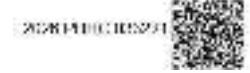
2. Fresh power of attorney has been filed on behalf of the appellant. The same is taken on record.

3. Employer is in appeal aggrieved of the recovery rights granted by the Commissioner against the appellant. The observations made by the Commissioner on Issue No.4, read as under:

To prove this issue the applicant No.-1 was examined as Pw-1 and tendered the documents Ex. P-1 to P-7. The respondent No.-1 appeared in witness box as Rw-2 and corroborated and supported the contents made in claim application. The respondent No. 2 produced Smt. Rajinder Kaur, T.I. as Rw-1 who stated that DL No. HR- 8020130195858 issued in the name of Ajay S/o Pala Ram on 01.07.2013 valid up to 30.06.2023 which was non-transport relied upon as Ex. R-1 and its extract as Ex. R-2 and further stated that said driving license for transport was valid since 03.03.2016 to 02.03.2019 and closed their evidence.

In view of the discussion made above, it is an admitted case of employment accident and as Sh. Ajay since deceased age 31 years and was drawing salary Rs. 12000/- per month and died due to accident which occurred out of and during the course of his employment, so, the applicants being dependents of deceased u/s 2 (d) of Act, are entitled to the compensation amount of Rs. 1235700/- alongwith interest @ 12% p.a. from the date 06.02.2022 upto the date of actual payment.

The next question which remaining for consideration is as which of the respondent is liable to pay the same to applicants for that the Ld. A.R. of the respondent No.-2 insurance co. argued that the driver of vehicle in question was not holding valid driving license at the time of accident, so, as per terms of insurance policy, the respondent No.-2, is not liable to pay the same said amount. In view, of the discussion made above, it is settled law that if any violation of terms of insurance policy, the insurance co. pay the compensation and interest to pay the same of giving the right of insurance co. to recover the same from respondent No.-1.



Accordingly, the respondent No.-2 insurance co. is liable to pay the compensation and interest amount to the applicants and recover the same from the respondent No.-1 which I order so. Hence, this issue is hereby decided in favour of the applicants and against the respondent No.-2.

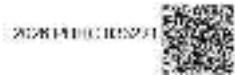
4. On being asked as to what was the weight and type of the vehicle being driven by the deceased, counsel for the appellant has feigned ignorance. He is totally ignorant about the facts of the case.

5. From the records of the case, this Court finds that the vehicle involved is in form of a Trailer which was a Transport Vehicle. Driver possessed licence to drive Non-Transport Vehicle.

6. The issue of validity of such licences *vis-a-vis* transport vehicles, has been answered by Constitution Bench of Supreme Court in the case of **M/s. Bajaj Alliance General Insurance Co. Ltd. vs. Rambha Devi and others 2025(3) SCC 95**, observing 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, e-rickshaws, 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.”

- 7. In view thereof, this Court finds that in the absence of any evidence regarding unladen weight of the vehicle, no fault can be found with the order passed by the Commissioner.
- 8. Finding no merit in the present appeal, the same is ordered to be dismissed.
- 9. Pending application(s), if any, shall also stand disposed off.

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|---------------------------|---|----------------------|
| <b>February 24, 2026</b>  |   |                      |
| <b>Dpr</b>                |   | <b>(Pankaj Jain)</b> |
|                           |   | <b>Judge</b>         |
| Whether speaking/reasoned | : | Yes/No               |
| Whether reportable        | : | Yes/No               |