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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 144/2017 & CM APPL. 6051/2017**
THE ORIENTAL INSURANCE CO LTDAppellant
Through: Mr. Pankaj Seth, Adv.

versus

RAM CHARAN & ORSRespondents
Through: Mr. Parminder Singh Goindi, Adv.
for R-3.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **23.04.2026**

1. This appeal has been filed challenging the award dated 26th November 2016 passed in Claim No.3985/2016 by MACT, Saket Courts.
2. The MACT awarded compensation of Rs.80,000/- along with interest @ 9% per annum in relation to an accident, which occurred on 26th August 2015, when the claimant/respondent no.1 was travelling on his motorcycle and hit by one *Tata Sumo* driven by respondent no.2. As a result of which respondent no.1 fell on the road and sustained injuries.
3. *Mr. Pankaj Seth*, counsel for appellant/Insurance Company, states that the defence raised by the Insurance Company was on the ground that there was lack of endorsement on the driver's licence for driving a commercial vehicle.
4. Respondent no.2's licence authorised him to only drive Light



Motor Vehicle (*‘LMV’*), whereas the offending vehicle was a commercial vehicle and, therefore, there was a breach of the policy condition.

5. This issue may no longer be *res integra*, considering the decisions of the Supreme Court in ***Mukund Dewangan v Oriental Insurance Co. Ltd***, 2017 14 SCC 663, which was upheld in the judgment of ***Bajaj Alliance General Insurance Company Ltd. vs Rambha Devi and Ors.*** (2023) 4 SCC 723.

6. The issue arose in ***Mukund Dewangan*** (*supra*), whether a driver who has a license to drive LMV, needs to obtain additional endorsement to drive a ‘transport vehicle’ under amended Section 10(2)(e). The Supreme Court reached a conclusion that the definition of light motor vehicle as in Section 2 (21) MV Act, would include a transport vehicle if it is within the weight prescribed in Section 2 (21) read with Sections 2 (15) and Section 2 (48) of the MV Act. Such transport vehicles were not excluded from the definition of light motor vehicles by virtue of the Amendment Act 54 of 1994. Relevant paragraphs of the ***Mukund Dewangan*** (*supra*):

“60. Thus, we answer the questions which are referred to us thus:

60.1. “Light motor vehicle” as defined in Section 2(21) of the Act would include a transport vehicle as per the weight prescribed in Section 2(21) read with Sections 2(15) and 2(48). Such transport vehicles are not excluded from the definition of the light motor vehicle by virtue of Amendment Act 54 of 1994.



60.2. A transport vehicle and omnibus, the gross vehicle weight of either of which does not exceed 7500 kg would be a light motor vehicle and also motor car or tractor or a roadroller, “unladen weight” of which does not exceed 7500 kg 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 roadroller, 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 of 1994 and 28-3-2001 in the form.

60.3. The effect of the amendment made by virtue of Act 54 of 1994 w.e.f. 14-11-1994 while substituting clauses (e) to (h) of Section 10(2) which contained “medium goods vehicle” in Section 10(2)(e), “medium passenger motor vehicle” in Section 10(2)(f), “heavy goods vehicle” in Section 10(2)(g) and “heavy passenger motor vehicle” in Section 10(2)(h) with expression “transport vehicle” as substituted in Section 10(2)(e) related only to the aforesaid substituted classes only. It does not exclude transport vehicle, from the purview of Section 10(2)(d) and Section 2(41) of the Act i.e. light motor vehicle.

60.4. The effect of amendment of Form 4 by insertion of “transport vehicle” is related only to the categories which were substituted in the year 1994 and the procedure to obtain driving



licence for transport vehicle of class of “light motor vehicle” continues to be the same as it was and has not been changed and there is no requirement to obtain separate endorsement to drive transport vehicle, and if a driver is holding licence to drive light motor vehicle, he can drive transport vehicle of such class without any endorsement to that effect.”

(emphasis supplied)

7. Since there were differing views of various benches on this issue, a reference was made by a three Judge Bench of the Supreme Court in **Rambha Devi** (*supra*), to a Constitutional Bench on whether a person holding a driving license in respect of LMV could on the strength of same license be entitled to drive a transport vehicle of LMV class having unladen weight not exceeding 7500 kgs. Accordingly, the Supreme Court deliberated upon the issue and upheld the judgment in **Mukund Dewangan** (*supra*) and held as under:

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

181.1. A driver holding a licence for light motor vehicle (LMV) class, under Section 10(2)(d) for vehicles with a gross vehicle weight under 7500 kg, is permitted to operate a “transport vehicle” without needing additional authorisation 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.



181.2. The second part of Section 3(1), which emphasises 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.

181.3. The additional eligibility criteria specified in the MV Act and the MV Rules generally for driving “transport vehicles” would apply only to those intending to operate vehicles with gross vehicle weight exceeding 7500 kg i.e. “medium goods vehicle”, “medium passenger vehicle”, “heavy goods vehicle” and “heavy passenger vehicle”.

181.4. The decision in Mukund Dewangan (2017) [Mukund Dewangan v. Oriental Insurance Co. Ltd., (2017) 14 SCC 663] 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 the MV Rules were not considered in the said judgment.”

(emphasis supplied)

8. Considering the decisions of the Supreme Court, the appeal cannot be sustained and, therefore, is dismissed.
9. Statutory deposit, if any, be refunded to appellant.
10. Pending applications, if any, are rendered infructuous.
11. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 23, 2026/MK/bp