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

+ **MAC.APP. 855/2013**

IFFCO TOKIO GENERAL INSURANCE CO. LTDAppellant

Through: Mr. Yuvraj Sharma, Advocate for Mr.
Pankaj Seth, Advocate.

versus

MOHD. IRSHAD & ORSRespondents

Through: Mr. Sanjay Baniwal, Ms. Manisha,
Mr. R.K. Seewal, Advocates for
Respondent no.3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **18.05.2026**

1. This appeal has been filed by the Insurance Company for assailing the award dated 17th August 2013 passed by the Motor Accident Claims Tribunal, Central, Tis Hazari Courts, Delhi (**'MACT'**) awarding compensation of Rs.1,38,237/- along with 9% interest.
2. The singular ground of appeal by the Insurance Company is that there was lack of endorsement on the driver's license for driving a commercial vehicle. The accident took place on 03rd August 2012, where the claimant was travelling on foot near Sadar Police Station, Delhi, when he was hit by the D-van bearing registration no. DL-1LJ-2145, causing grievous injuries.
3. The Insurance Company took up the issue that the said vehicle was a Light Goods Vehicle, but the license was only valid for Light Motor Vehicle (**'LMV'**) and there was no endorsement for a commercial vehicle.



4. 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.

5. 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)

6. 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)

7. This issue has been considered by this Court in **MAC.APP.144/2017** titled as “***The Oriental Insurance Co. Ltd. v. Ram Charan & Ors.***”
8. Considering the decisions of the Supreme Court, the appeal cannot be sustained and, therefore, is dismissed.
9. By order dated 20th September 2013, compensation was deposited before the MACT. Now, since the appeal stands dismissed, the total compensation be released to the claimants, if not already released, by the MACT in accordance with the directions of the MACT in the impugned award.
10. Statutory deposit, if any, be refunded to appellant.
11. Pending applications, if any, are rendered infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 18, 2026/ak/bp