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

+ **MAC.APP. 771/2018 & CM APPL. 35233/2018**

ORIENTAL INSURANCE CO LTD

.....Appellant

Through: Mr. Tarkeshwar Nath, Mr. Harshit Singh, Advs.

versus

RAJESH & ORS

.....Respondents

Through: Ms. Nazneen khan and Mr. Anupam Kumar Singh, Advs. for R1 & R2.
Mr. V.K. Goel, Mr. Vipul Saluja, Advs. for R-4.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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19.03.2026

1. This appeal has been filed challenging the Award dated 21st July 2018 passed by the Motor Accident Claims Tribunal, Rohini Courts, Delhi (*'MACT'*) in ***MACT Petition No.478/2009***, which awarded a compensation of *Rs.10,35,500/-* along with interest at the rate of *9% per annum*, in favour of claimants (*respondent nos.1 & 2*).
2. The accident in question occurred on 20th April 2009 at about 5:15 PM, when deceased/*Ravinder*, while travelling as a pillion rider on a motorcycle, reached at *Dulhera*; suddenly a Tempo bearing registration no. HR-14E-0473, came from the wrong side and hit the motorcycle of the deceased. As a result, he sustained injuries and died on 13th May 2009.
3. The issue, which has been raised by the Insurance Company in this appeal, is regarding recovery rights which were not granted. It is contended



that respondent no.3 (*driver of vehicle*) had a license to drive only Light Motor Vehicle (*‘LMV’*), as per copy of the Registration Certificate (*‘RC’*) of the vehicle and not a transport vehicle, which was the offending vehicle involved in the collision.

4. The MACT held that the driver of the Tempo was negligent and awarded compensation. The MACT rightly relied upon the decision of the Supreme Court in *Mukund Dewangan v Oriental Insurance Co. Ltd.* 2017 14 SCC 663 to hold that the insurer was liable.

5. *Section 2 (21) of the Motor Vehicle Act, 1988 (‘MV Act’)* provides for the definition of Light Motor Vehicle (*‘LMV’*), which is extracted as under for reference:

“S. 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;”

6. *Section 10 of MV Act* provides for form and contents of licenses to drive, which is extracted as under:

“10. Form and contents of licences to drive.—(1) Every learner’s licence and driving licence, except a driving licence issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.

(2) A learner’s licence or, as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely:—

- (a) motorcycle without gear;*
- (b) motorcycle with gear;*
- (c) invalid carriage;*
- (d) light motor vehicle;*



- (e) medium goods vehicle;
- (f) medium passenger vehicle;
- (g) heavy goods vehicle;
- (h) heavy passenger vehicle.”

7. A combined reading of Section 2(21) and Section 10(2) would render that a person holding a driving licence for LMV can legally drive a transport vehicle whose unladen weight does not exceed 7,500 kg.

8. The Supreme Court, in **Bajaj Allianz General Insurance Co. Ltd. v. Rambha Devi** (2025) 3 SCC 95, discussed this aspect and, while upholding the view taken in **Mukund Dewangan** (*supra*), concluded 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)

9. Accordingly, nothing further subsists in the appeal. The appeal is, therefore, dismissed.
10. Compensation be released in accordance with the directions passed by MACT in the Award.
11. Pending applications, if any, are rendered infructuous.
12. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 19, 2026/ak/bp