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

FAO-1128-2017 (O&M)**Date of Decision : 05.02.2025**

Islam Khan & Anr

... Appellant(s)

Versus

Heera & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Malkit Kaur, Advocate for the appellants.

M. Rajbir Singh, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)**CM-3686-CII-2017**

1. This is an application for condonation of delay of 1201 days in filing the appeal.

2. For the reasons stated in the application, delay of 1201 days in filing the appeal is condoned. CM stands disposed off.

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3. The present appeal has been preferred by the appellants (owner and driver of the offending vehicle) challenging the impugned award dated 26.07.2013 passed by the Motor Accident Claims Tribunal, Nuh at Mewat, (hereinafter referred to as 'Tribunal').

4. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

5. The only challenge laid by the learned counsel for the appellants to the impugned award, in the present case, is that recovery rights have wrongly been granted to the Insurance Company (respondent No.3 herein) inasmuch as the offending vehicle in question was a pick-up vehicle bearing Registration No.HR-74-3743 and that the driver was held to be holding a driving licence to drive a Light Motor Vehicle/Heavy Transport Vehicle (LMV/HTV). It is the contention of the learned counsel for the appellants relying on the judgment of the Hon'ble Supreme Court in the case of **Mukund Dewangan Vs. Oriental Insurance Company Limited [2017 (4) RCR (Civil) 111]** to contend that a driving licence to drive a Light Motor Vehicle (LMV) would also permit the driving of a vehicle the gross weight of which does not exceed 7500 kgs.

6. Learned counsel for respondent No.3-Insurance Company is not in a position to deny the fact that the offending vehicle in the present case was a pick-up vehicle the gross weight of which was less than 7500 kgs.

7. I have heard the learned counsel for the parties.

8. Hon'ble Supreme Court in the case of **Mukund Dewangan** (supra) has held as under :

“(ii) 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 road roller, ‘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 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 28.3.2001 in the form.”

9. In view of the above and keeping in view the law laid down by the Hon’ble Supreme Court in the case of **Mukund Dewangan** (supra), the present appeal is allowed. The impugned award stands modified to the extent that the Insurance Company (respondent No.3) is held liable to pay the amount of compensation to the claimants. Statutory amount, if not disbursed, be released to the appellants.

10. Disposed off accordingly. Pending applications, if any, also stand disposed off.

05.02.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO