

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.5784 OF 2025
(@ SPECIAL LEAVE PETITION (CIVIL) NO. 12504 OF 2025 @ DIARY
NO.27726/2019)**

K B REVANASIDDAPPA

APPELLANT

VERSUS

ORIENTAL INSURANCE COMPANY LTD. AND ORS.

RESPONDENTS

O R D E R

1. Delay condoned.
2. Leave granted.
3. Heard learned counsel for the appellant. No one appears for the respondent-Insurance Company.
4. The High Court by the impugned order held that the owner of the vehicle is jointly and severally liable to pay compensation and the Insurance Company was directed to pay and recover the said amount. This order was passed as the driver was driving a transport vehicle of the Light Motor Vehicle category. It was held that since there was no endorsement on the licence to drive the transport vehicle, there was a breach in the condition of the Insurance Policy and therefore, the Insurance Company is not liable for the payment of compensation.
5. In *M/s. Bajaj Alliance General Insurance Co. Ltd. vs.*

Rambha Devi & Ors. [2025(3) SCC 95], the Constitution Bench of this Court has held that a driver holding a licence to drive a Light Motor Vehicle with a gross vehicle weight under 7500 kgs. can operate a transport vehicle without additional authorization under Section 10(2)(e) of the Motor Vehicles Act, 1988 to specifically drive a transport vehicle.

6. In view of the above decision, since the driver of the Trax vehicle was having a Light Motor Vehicle licence, he could have driven the transport vehicle within the gross vehicle weight under 7500 kgs. Accordingly, there is no breach of the condition of the Insurance Policy on the part of the driver having a Light Motor Vehicle licence to drive a transport vehicle.

7. Therefore, the liability to satisfy the claim would rest upon the Insurance Company. The impugned judgment and order of the High Court is modified and the right to recovery granted to the Insurance Company is deleted.

8. The appeal is allowed. Pending application(s), if any, shall stand disposed of.

.....J.
(PANKAJ MITHAL)

.....J.
(S.V.N. BHATTI)

NEW DELHI
01st MAY, 2025
GA

ITEM NO.6

COURT NO.15

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 27726/2019

[Arising out of impugned final judgment and order dated 15-07-2014 in MFA No. 6995/2012 passed by the High Court of Karnataka at Bengaluru]

K B REVANASIDDAPPA

PETITIONER(S)

VERSUS

ORIENTAL INSURANCE COMPANY LTD. AND ORS.

RESPONDENT(S)

(IA No. 150806/2019 - CONDONATION OF DELAY IN FILING
IA No. 150809/2019 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 01-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Ashwin V. Kotemath, Adv.
Mr. Harisha S.R., AOR

For Respondent(s)

UPON hearing the counsel the court made the following
O R D E R

1. Delay condoned.
 2. Leave granted.
 3. The appeal is allowed in terms of the signed order.
- Pending application(s), if any, shall stand disposed of.

(Nidhi Mathur)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS
(Signed Order is placed on the file)