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

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Date of Decision: 08.10.2025

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MAC.APP. 445/2025, CM APPL. 42734/2025 [stay]

ARUN KUMARAN B & ANR.

.....Appellants

Through: Mr. Sandeep Kumar Mahapatra, Mr. Sugam Kumar Mr. Sanjay Kumar Pathak, SC with Mr. Sunil Kumar Jha & Mr. M.S. Akhtar, Advocates and Ms. Saksha Mr. Sanjay Kumar Pathak, SC with Mr. Sunil Kumar Jha & Mr. M.S. Akhtar, Advocates, Mr. K.P. Sreedas and Mr. Raghav Tondan and Mr. Tribhuvan, Advs.

versus

URMILA PAL & ORS.

.....Respondents

Through: Mr. A.K. Soni, Adv. for R-6.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Appeal has been filed under Section 173 of the Motor Vehicle Act, 1988 [hereinafter referred to as "MV Act"] impugning the award dated 19.04.2025 passed by the learned Presiding Officer, MACT, Patiala House Courts, Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the compensation amount in the sum of Rs. 55,35,902/- along with interest at the rate of 7.5% per annum has been awarded by the learned Tribunal.

2. The Appeal has been filed by the driver and owner [the Appellants] of



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the vehicle in issue. The learned Counsel for the Appellant submits that the challenge in the present Appeal is not to the grant of compensation or the compensation awarded, but to the award of recovery rights against the Driver and Owner.

2.1 None appears for the Respondent/Claimants despite service. However and since there is no challenge to the quantum, the presence of the Respondent/Claimants is not requisite to decide this Appeal.

3. Learned Counsel for the Appellants further submits that the challenge in the present Appeal is on one ground. He submits that recovery rights have been granted against the Appellants by the learned Trial Court even though the Appellant No.1/son had a legal and valid driving license. He submits that the date of birth of Appellant No. 1 as stated in his driving license is 28.03.1996 which makes him a major of 23 years of age, as on the date of the accident which is 18.06.2019.

4. This Court had after briefly hearing the parties on 19.08.2025, passed the following order:-

“1. Learned Counsel for the parties reiterates that since the quantum has not been challenge by either party, the service to Respondent Nos. 1 to 5 can be dispensed with. It is so directed.

2. Learned Counsel for the parties request for some time to comply with paragraph 10 of the order dated 21.07.2025. Let the needful be done three days before the next date of hearing.”

5. The learned Counsel for the Appellant seeks to rely upon the Detailed Accident Report [DAR] which has been filed along with the Appeal Paper Book as well as the Driving License of the Appellant No. 1 to submit that



Appellant No. 1 was 23 years as on date and not a minor. It is submitted that since Appellant No. 1 had a valid Driving License, recovery rights could not be granted by the learned Tribunal, since there was no breach of the Insurance policy. The learned Counsel for Respondent No. 1 fairly concedes that Respondent No. 1 has also subsequently undertaken an inquiry with the Road Transport Authorities and found that the Appellant No. 1 did have a valid Driving License.

6. The Impugned Award, however, in paragraph 47 has, while discussing the liability has given a finding that Appellant No. 1, who was the son of Appellant No. 2, did not have a valid Driving License and despite which he was permitted to drive and, hence, granted recovery rights. The relevant extract of the Impugned Award is set out below:-

“47. R1/driver of the offending vehicle was son of the registered owner/R-2. Thus, R-2 was well aware that his son, being a minor, was not entitled to drive a vehicle like Mahindra Xylo. Yet he permitted R-1 to driver it. As shown by the chargesheet, R-1 drove the vehicle rashly and negligently causing the accident which resulted in death of the injured. Such circumstances call for grant of recovery rights to Insurance Company/R-3 against R-2/registered owner.”

[Emphasis Supplied]

7. The Driving License was filed before the learned Trial Court. A perusal of the Driving License shows that the date of birth of the Appellant No.1 is stated as 28.03.1996. The license also sets out that the Appellant No.1 is permitted to drive a Light Motor Vehicle's from 05.06.2015 onwards. The accident occurred on 18.06.2019, thus, as on the date of the accident, the Appellant No.1 had a valid Driving License.



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7.1 This is also borne out from the DAR dated 24.02.2021, wherein it is stated that Appellant No. is 23 years old and that he has a valid Driving License. The relevant extract of the DAR is set out below:-

“PART III- CIRCUMSTANCES OF THE ACCUSED DRIVER

17	Name and address	Arun Kumaran B S/o Shri Bharathi Raju R/o H.No. 4/24/4 Vasantha Nagar, Opp. TNHB Colony, Ettayapuram Road, Thoothukudi, Tamil Nadu – 628002	
18	<u>Age</u>	<u>23 years</u>	
19	<u>Gender</u>	Male	
20	<u>Education</u>	Educated working with Indian Air Force	
21	<u>Occupation</u>	Working with Indian Air Force	
22	<u>Family</u>		
23	<u>Income (Monthly)</u>	Rs. 1.00 Lakh per month	
24	<u>A/C Number with name and address of the bank in which the driver is maintaining his account</u>	N/A	
25	<u>Driving License Particulars</u>	<u>Driving License No.</u>	<u>TN69 20130004975</u>
		<u>Whether Learner License</u>	<u>No</u>
		<u>Period of validity</u>	<u>Valid upto 11.06.2033</u>
		<u>Issued by</u>	<u>Transport Authority, Tuticorin, TN69</u>
		<u>Class of Vehicle</u>	<u>MCWG and LMV</u>
26	<u>In case of learner's license</u>	<u>Whether driving license is suspended</u>	<u>No</u>
		<u>Whether driving under</u>	N/A



		<i>supervision</i>	
		<i>Whether driving was lapsed learner license</i>	<i>N/A</i>
27	<i>Whether the driver is owner/paid driver/otherwise</i>		<u>Registered owner is father of driver</u>
28	<i>Whether driving with the consent of the owner</i>		<i>Yes</i>
29	<i>Whether driving under influence of liquor/drugs, whether finding based on scientific report</i>		<i>No</i>

[Emphasis Supplied]

8. In view of the undisputed findings, clearly the grant of recovery rights to the Insurance Company is contrary to the record. The Impugned Award to the extent that it grants recovery rights to the Insurance Company is set aside.

9. The Appeal is allowed in the foregoing terms. The pending application stands closed.

10. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

OCTOBER 8, 2025
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