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

+ **MAC.APP. 438/2024 & CM APPL. 47354/2024**

THE ORIENTAL INSURANCE CO. LTDAppellant

Through: Mr. J.P.M. Shahi, Advocate.

versus

SH MANOHAR MAHTO AND ORSRespondent

Through: Mr. Gaurav Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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09.01.2026

1. *Mr. J.P.M. Shahi*, counsel for appellant/Insurance Company, seeks the right of recovery against owner/driver [*respondent no. 2 & 3 herein*] on the ground that the offending vehicle was being driven without a permit. The offending vehicle was a goods carrier and the accident occurred near *Rohtak Road, Nangloi* on 16th May 2019.
2. Injured [*respondent no. 1 herein*] sustained grievous injuries, and compensation of Rs. 10,73,828/- along with the interest was awarded by the impugned award dated 27th April 2024 passed by the Motor Accident Claim Tribunal [*“MACT”*] West, Tis Hazari Court, New Delhi in *MACT No.97/2020*.
3. Sole contention of *Mr. J.P.M Shahi*, counsel for appellant, is that on the date of the incident, there was no valid permit since it had expired on 02nd May 2019.
4. Countering these submissions, *Mr. Gaurav Garg*, counsel for respondent no. 2 & 3, submits that there is no dispute regarding the facts of



the case. The accident had occurred on 16th May 2019, and the permit was renewed on 17th May 2019 with effect from 02nd May 2019.

5. *Mr. Gaurav Garg* contends that they are insulated by the *Section 81(5)* of the Motor Vehicles Act, 1988 which provides as under:

“81. Duration and renewal of permits.

.....

(5) Where a permit has been renewed under this section after the expiry of the period thereof, such renewal shall have effect from the date of such expiry irrespective of whether or not a temporary permit has been granted under clause (d) of section 87, and where a temporary permit has been granted, the fee paid in respect of such temporary permit shall be refunded.”

6. *Mr. J.P.M. Shahi*, counsel for appellant, seeks some time to respond to this particular submission and to place relevant decisions on record. A copy of those judgements shall also be supplied to counsel for respondent no. 2 & 3, prior to the next date of hearing for their response.

7. *Mr. Gaurav Garg* relies upon two judgements in support of his submissions, namely: (i) ***Bajaj Allianz General Insurance Company Limited v. Ashok Singh***, 2020 SCC OnLine J&K; and (ii) ***National Insurance Co. Ltd. v. Narinder Gupta***, 2017 SCC OnLine NCDRC 1278. Same shall be placed on record.

8. List on 29th April 2026.

9. Order to be uploaded to the website of this Court.

ANISH DAYAL, J

JANUARY 9, 2026/MK/tk