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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **MAC.APP. 297/2019**  
**NAWAB ALI & ANR.** .....Appellants

Through: Counsel for appellants (appearance  
not given)

versus

**SULEMAN & ORS.** .....Respondents

Through: Ms. Akshita Manocha, Advocate for  
Respondent no. 2.  
Ms. Neerja Sachdeva, Advocate for  
Respondent no 3.

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+ **MAC.APP. 299/2019**

**NADEEM** .....Appellant

Through: Counsel for appellant (appearance not  
given)

versus

**MR. SULEMAN & ORS.** .....Respondents

Through: Ms. Neerja Sachdeva, Advocate for  
Respondent no 3.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

**24.10.2024**

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1. The Appeals bearing Nos. MAC.APP. 297/2019 and MAC.APP. 299/2019 under Section 173 of the Motor Vehicles Act, 1988 have been filed on behalf of the appellants to challenge the common impugned Judgment/Award dated 16.10.2017 passed by the MACT whereby the Claim Petitions of the Appellants, have been dismissed on the finding that the rash and negligent driving of the offending vehicle, could not be established.



2. Learned counsel appearing on behalf of the Claimants, submits that they had examined one witness PW-2, Mr. Nadeem, who was the pillion rider on the motorcycle that was being driven by the deceased, Usman. He was an eye witness to the accident but erroneously his evidence has not been accepted by the Tribunal. On a specific query, it is admitted that he was not a cited witness in the Charge-Sheet and that no medical documents were produced to corroborate that he had sustained injuries.

3. However, it is submitted by the learned counsel that there were two other eye witnesses, who had been relied upon by the prosecution in the Charge-Sheet and there is also other cogent evidence and documents to prove the negligence of the driver of the offending vehicle. It is submitted that an opportunity may be granted to the claimants to produce the material witnesses and the documents to prove the negligence. The Appeal may be allowed and remanded back to the learned Tribunal.

4. **Learned counsel on behalf of the Insurance Company** submits that the testimony of PW-2, Mr. Nadeem the eye witness stands completely demolished and it has been rightly rejected by the learned Tribunal and there is no infirmity in the impugned Order.

5. **Submissions heard.**

6. As has been submitted on behalf of the Claimants, the police record/Charge-Sheet as well, cite two eye witnesses. The appellant seeks to adduce the evidence of these two eye witnesses and documents to prove the negligence on the part of the offending vehicle.

7. In view of the submissions made, the impugned Awards are hereby set aside and an opportunity is given to the Claimants to adduce the evidence within six months.



8. The respondents be also given opportunity to adduce their evidence. The parties are directed to appear before the learned Tribunal on 12.11.2024,
9. The Appeals are disposed of accordingly.

**NEENA BANSAL KRISHNA, J**

**OCTOBER 24, 2024/RS**