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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 212/2024**
VEER SINGH & ANR.Appellants
Through: Mr. Naveen Kumar
Chaudhary & Mr. Harshit
Chaudhary, Advocates.

versus

NAVEEN @ BABLU & ORS.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
31.01.2025

CM APPL. 5957/2025 (for modification of judgment dt: 29.11.2024) in MAC.APP. 212/2024

1. The present application is filed seeking modification of the order dated 29.11.2024 on the ground that some typographical errors have crept in the same.
2. The errors have been stipulated in paragraph 3 of the application, which reads as under:

“3. The typographical error in paras No. 11, 13, 14, 15, 24 and 25 of the Order/Judgement dated November 29, 2024 as stated in para 2 of the Application as regard to the name of the Appellant No. 1 is at seven places, whereas, as regard to the vehicle in question is at three places, which are as under: -

a) "11 The owner of the offending vehicle, appellant No.2 Amit Kumar, tendered his affidavit in evidence as Ex. R2 WI. He deposed that driver Virender Singh has been known to him for more than 10 years and they have visiting terms. Since 2015, he used to handover his tractor to Virender Singh for cultivation and agricultural purposes after taking due trial of his driving and checking

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his driving license which was valid and effective. According to his information, neither accident had occurred on the day of the incident nor was his vehicle involved in the accident."

b) "13 R2W1 Amit Kumar further deposed in his cross-examination that before engaging Veer Singh as driver, he took photocopy of the license which seemed to be genuine. In his further cross-examination by the Insurance Company, he also stated that after having engaged Virender Singh, he had not seen the driving license. It was not within his knowledge on 04.02.2018 whether Virender Singh possessed any valid or effective driving license."

c) "14 From the testimony of owner Amit Kumar, it emerges that driver Virender Singh from time to time, use to take his tractor for a few days for the purpose of agriculture and cultivation. First time the tractor was taken by him in the year 2015 and thereafter, was being taken from time to time. The tractor was taken by him three four days prior to the incident, but unfortunately, the accident occurred. He has categorically deposed in his testimony that in the year 2015 he had seen the driving skills of Virender Singh and had also checked his driving license. Thereafter, he never checked the driving license of the driver."

d) "15 The Insurance Company had examined R3W1 Sh. Prakash Chander Pathak, Head Assistant, RTO Office, who produced the original register pertaining to the driving license of Virender Singh. He deposed that it was initially valid upto 30.10.2016. It was renewed thereafter, from 06.03.2018 till 05.03.2023 and the attested copy of extract of driving license is Ex. R3W1/3 and the original driving license register is Ex. R3W1/4. In his cross-examination by the claimants, he stated that the license holder was not disqualified for the period 30.10.2016 till 06.03.2018, during which period the license was not renewed."

e) "24 Now examining the entire/acts of the present case, the appellant No2- Amit Kumar R2W1, who in his affidavit of evidence by way of affidavit, has deposed that the driver Veer Singh was known to him and it emerges from his testimony that being an agriculturalist, he used to take the tractor from him from time to time for cultivation and agricultural purposes. He also deposed that he had



checked his driving license way back in the year 2015 when he handed over the truck to him for the first time and thereafter, he did not check it. It emerges that he had taken due care and caution at the first time when he handed over the tractor to driver Veer Singh and ensured that the driver had a valid driving license."

j) "25 Pertinently, Veer Singh is not an employee nor is he a regular driver, but used to take the truck from the owner from time to time, as per his necessity. The owner had exercised due care and caution at the first time and could not have been expected to check the license every time. it cannot be said that there as any dereliction of due care and caution on the part of the owner who had been handing over the truck from time to time to the driver."

3. It is stated that the name of Appellant No.1 is wrongly typed as "Virender Singh" instead of "Veer Singh" in Paragraph Nos. 11, 13, 14 and 15. It is further stated that the vehicle has been wrongly mentioned as "Truck" instead of "Tractor" in Paragraph Nos. 24 and 25.

4. Considering the above, the order dated 29.11.2024 is modified to the extent of the aforementioned errors.

5. The present application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

JANUARY 31, 2025

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