



\$~25

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

+ **CM(M) 2610/2024**

ANIL KUMARPetitioner
Through: Mr. Saurabh Sharma and
Mr. Bijay Kumar, Advs.

versus

INDER NARAIN KAMAT & ANR.Respondents
Through: Mr. Maroof Khan, Adv.
(through VC)
Mr. J.P.N. Shahi and Mr.
Shikhar Prakash, Advs. for
R-2/Insurance Company
(through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

28.02.2025

1. By way of the present petition, the petitioner challenges the order dated 02.02.2024 (hereafter '**impugned order**'), passed by the learned Trial Court, in MACT No. 193/19.
2. By the impugned order application seeking reopening of the petitioner evidence (hereafter '**PE**') was dismissed.
3. The claim petition was filed by two victims, that is, the petitioner and one Jai Singh who suffered injuries in the accident that took place on 22.12.2018.
4. The PE was closed on 02.05.2023 when the petitioner had failed to lead any evidence, whereafter the subject application was filed by the petitioner for reopening of PE, claiming that the petitioner had suffered permanent disability and was not able to attend the Court on the date when the PE was closed.
5. The petitioner also relied upon the disability certificate issued by the Department of Empowerment of Persons with

CM(M) 2610/2024

Page 1 of 3



Disabilities, Ministry of Social Justice and Empowerment,
Government of India.

6. The learned Trial Court dismissed the application holding that no disability certificate of the other injured person namely—Jai Singh, has been filed. The learned Trial Court also doubted the disability certificate as the same had not been issued pursuant to any order passed by the learned Trial Court.

7. The learned Trial Court noted that the disability certificate mentions the date 05.11.2022, that is, prior to passing of the order closing the PE on 02.05.2023. It was noted that neither did the petitioner appear before the Court except on the date when the DAR was filed, nor was the application for reopening of PE signed by the petitioner.

8. The petitioner undisputedly had not been following the case diligently. However, in the opinion of this Court, no prejudice would be caused to the Insurance Company if the petitioner is given one more opportunity and is permitted to lead evidence.

9. There seems to be some delay, however, the same should not come in way of reaching a just decision. This Court cannot lose sight of the fact that the Motor Vehicles Act, 1988 is a beneficial legislation for the purpose of granting compensation to the victims.

10. Whether the certificate can ultimately be relied upon for the purpose of passing a final order would be the subject matter of further evidence being led by the parties and after opportunity being given to the Insurance Company to cross-examine. The same ought not to have been commented upon by the learned Trial Court at the time of considering the application for



reopening of PE.

11. In view of the above, the impugned order is set aside and the application filed by the petitioner for reopening the PE is allowed.

12. The learned Trial Court is directed to proceed further from the stage of PE and pass a final order after giving opportunities to all the parties to lead evidence and cross-examine the witnesses.

13. The Insurance Company, however, ought not to be saddled with the cost that may be payable in the form of an interest for the period the final adjudication of the claim has been delayed for the fault of the petitioner. It is, thus, directed that in case the petitioner succeeds in the claim petition, the Insurance Company will not be liable to pay interest from 02.05.2023 up to passing of the present order.

14. The present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

FEBRUARY 28, 2025

'KDK'