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

+ **W.P.(C) 9308/2025**

ASHISH PATEL

.....Petitioner

Through: **Mr.Narendra Mishra, Advocate**

versus

**GO DIGIT GENERAL INSURANCE LIMITED THROUGH
MANAGER AND OTHERS**

.....Respondent

Through: **Mr. Francis Fernandes and Mr.
Shubham Agarwal, Advocates for R-1
Mr.Viplav Acharaya, SPC for R-
3/UOI**

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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08.07.2025

1. The present petitioner under Articles 226 and 227 of the Constitution of India has been filed by the petitioner seeking the following reliefs:

*“a) Direct the Respondent No 2 for R1 to allow the claim No 202500286134 under policy No D189104950 of accident DMY474971 Maruti Suzuki Fronx (**Annexure P12**)*

b) Direct the Respondent No 3 for R2 to pay all litigation charges and petitioner allow the claim No 202500286134 under policy No D189104950 of accident DMY474971 Maruti Suzuki.

c) Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. The case set out by the petitioner in the present petition is that the petitioner had purchased a Maruti Fronx ISS DELTA + 1.2L 5MT ESP (Pearl Arctic White) from Respondent No.2/Vipul Motors. The Respondent No.2 accepted full payment for the vehicle, including RTO registration amounts, but failed to complete the permanent registration process within



stipulated time, leaving the petitioner's vehicle with only temporary registration.

3. The petitioner had also paid an amount of Rs. 23,730/- towards the insurance of the vehicle and further paid the requisite amount for RTO. The insurance was obtained from the Respondent No.1, Go Digit General Insurance Limited.

4. After purchasing the car, the petitioner drove the vehicle to Rewa, Madhya Pradesh. The vehicle met with an accident enroute to Rewa. The Go Digit surveyor and Loss assessor report indicates that the claim is not tenable due to the unregistered vehicle at the time of the accident.

5. On a query posed by the Court, learned counsel for the petitioner fairly concedes that the grievance articulated by the petitioner is against respondent No.2 i.e. Vipul Motors, who according to the petitioner committed negligence and deficiency in service.

6. In the above factual backdrop, this Court is of the view that Vipul Motors is a private entity, and it is not a State or an instrumentality of State. Also, it cannot be called a public body discharging public duty, nor functions of Vipul Motors are akin to Governmental functions. That being the position, Vipul Motors is not amenable to writ jurisdiction of this Court. The petitioner's remedy lies elsewhere, which petitioner may avail in accordance with law.

7. In view of the above, the petition is dismissed.

VIKAS MAHAJAN, J

JULY 8, 2025/SV