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

\+ MAC.APP. 733/2025 & CM APPLs. 71836-38/2025

CHOLAMANDALAM MS GENERAL
INSURANCE CO. LTD .....Appellant
Through: Mr. Sameer Nandwani, Advocate.

versus

MOHD IMRAN & ORS. .....Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **17.11.2025**

1. The appellant – Cholamandalam MS General Insurance Company Ltd. ["the Insurance Company"], assails an award dated 08.07.2025, passed by the Motor Accident Claims Tribunal ["the Tribunal"], in MACT No. 735/2024 titled "*Md. Imran v. Akash & Ors.*", whereby a sum of Rs.2,50,000/- has been awarded in favour of the claimant [respondent No. 1 herein], in exercise of the Tribunal's jurisdiction under Section 164 of the Motor Vehicles Act, 1988 ["the MV Act"].

2. The case of respondent No. 1 is that on 08.04.2023 at about 4:00 P.M., he was travelling on a motorcycle [bearing Registration No. DL-10SU-9744] when the motorcycle was struck from behind by a truck [bearing Registration No. DL-1LAE-9546] ["insured vehicle"]. He was admittedly travelling as a pillion rider on the said motorcycle, which was being driven by his colleague, while the offending vehicle was being driven by respondent No. 2.

3. The Tribunal held the Insurance Company liable under Section 164 of the MV Act, noting that the involvement of the offending vehicle in the accident was not in dispute.

4. Mr. Sameer Nandwani, learned counsel for the Insurance Company, submits that the Insurance Company has been erroneously held liable, despite its defence that respondent No. 2 was under the influence of alcohol at the time of the accident, and had been charge-sheeted for an offence under Section 185 of the MV Act.

5. In this regard, the Tribunal observed that the Insurance Company's contention was unsupported by any Blood Alcohol Content report of respondent No. 2. The defence was based solely on an observation in the Medico-Legal Certificate prepared by the treating doctor.

6. Mr. Nandwani nevertheless contends that, in the facts of the present case, liability ought to have been attributed to the driver or the owner of the offending vehicle, rather than the Insurance Company. However, he fairly concedes that no medical evidence, including a Blood Alcohol Content report, was placed on record to substantiate the allegation of intoxication against respondent No.2.

7. Having considered the above submission, I am of the view that the Tribunal's findings do not warrant interference in appeal. It is undisputed that the offending vehicle, which was driven by respondent No.2, was involved in the accident. The award has been passed under Section 164 of the MV Act, a provision that creates a no-fault liability, and does not require proof of negligence on the part of the driver of the vehicle involved in the accident.

8. In these circumstances, I am of the view that the Tribunal's

decision, rendered under Section 164 of the Act, on the basis of the material placed before it, cannot be faulted.

9. No other ground having been urged in support of the appeal, the appeal is, accordingly, dismissed.

10. Pending applications also stand disposed of.

11. The statutory deposit of Rs. 25,000/- if deposited, be refunded to the appellant.

PRATEEK JALAN, J

NOVEMBER 17, 2025

'Bhupi'/SD/