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

+ CM(M) 2247/2025 & CM APPL. 72928/2025

BHAIRABH GHOSH

.....Petitioner

versus

AMIT KUMAR KANAUIA AND ORS.

.....Respondents

+ CM(M) 2248/2025 & CM APPL. 72933/2025

BHAIRABH GHOSH

.....Petitioner

versus

MALTI DEVI AND ORS.

.....Respondents

Appearances:-

Mr. Ashwin Vaish, Mr. Sanjeev Manchanda, Mr. Uttam Panwar, Ms. Shubhi Vijaywargiya, Mr. Aaditya Sharma and Mr. Yashaswi Dasari, Advocates for Petitioner in Item Nos. 39 & 40

Mr. S.N. Parashar and Mr. Ritik Singh, Advocates for Claimants

Ms. Shruti Jain and Mr. Vijay Laxmi, Advocate for Insurance company

Ms. Hetu Arora Sethi and Mr. Abhimanyu Verma, Advocates for Insurance company

Mr. Rajat Pahwa, Advocate for Owner.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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21.11.2025

1. These two petitions, under Article 227 of the Constitution, are directed against orders dated 25.07.2025 [in MACT 1291/2016] and 04.10.2025 [in MISC. DJ 724/2025] passed by the Motor Accident Claims Tribunal [“the Tribunal”].



2. By the impugned order dated 25.07.2025, which was passed on the very same day on which the claim petition before the Tribunal was disposed of, and awarded in favour of the claimants, the Tribunal observed as follows:

“ Meanwhile, on basis of facts and circumstances as revealed on record and after appreciation of the evidence led by the parties during the course of proceedings, the Tribunal is constrained to observe that false evidence has been given on record by fabricating documents by the respondent no. 1 and 2 and further evidence known to be false has been also given during the course of proceedings in the instant case.

Therefore in the totality of facts and circumstance as revealed on record, a show cause notice is hereby issued to R1 and R2 and the officials of insurance company namely Sukhvarsha and S S Badan as to why proceedings be not initiated against them for the relevant penal offences in this regard, under Section 379 of BNSS, 2023.

All the noticees are directed to be appear in person on the NDOH for examination and for consideration/further proceedings on 29.08.2025.”

3. It is the contention of the petitioner that notice was, in fact, not served upon him at all.

4. By the second impugned order dated 04.10.2025, the Tribunal has issued warrants of arrest with regard to the initiation of proceedings under Section 379 of Bhartiya Nagarik Suraksha Sanhita, 2023 [“BNSS”].

5. With the consent of learned counsel for the parties, the present petitions are disposed of, with the following directions:

A. The warrants of arrest issued by order dated 04.10.2025 shall not be executed against the petitioner.

B. The petitioner undertakes that he will be represented through counsel before the Tribunal in the proceedings in MISC. DJ 724/2025, initiated by the Tribunal itself, including on the next date of hearing, i.e. 25.11.2025, and any subsequent hearing. An



undertaking to this effect be filed by the petitioner in this Court by tomorrow, i.e. 22.11.2025.

C. The petitioner and other parties will be at liberty to make their submissions before the Tribunal with regard to the proposed proceedings under Section 379 of BNSS, in accordance with law. The Tribunal is directed to consider the submissions of the parties in accordance with law, independently, and uninfluenced by the observations in order dated 25.07.2025.

6. Accordingly, the present petitions, alongwith pending applications, stand disposed of with these directions.

PRATEEK JALAN, J

NOVEMBER 21, 2025

Dy/AD/