$~2

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

\+ CM(M) 2263/2025 & CM APPL. 73715/2025

SHRIRAM GENERAL INSURANCE CO. LTD .....Petitioner
Through: Mr. Sameer Nandwani, Advocate.

versus

MAHIPAL & ORS. .....Respondents
Through: Mr. Rohit Nagar, Advocate to R-1 to 4.

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

<u>O R D E R</u>

% 23.12.2025

1. By way of this petition under Article 227 of the Constitution, the petitioner – Shriram General Insurance Co. Ltd. ["the Insurance Company"], assails an order dated 13.09.2025 passed by the National Lok Adalat, whereby MAC.APP. 238/2017 was dismissed as withdrawn.

2. I have heard Mr. Sameer Nandwani, learned counsel for the Insurance Company, and Mr. Rohit Nagar, learned counsel for respondent Nos. 1 to 4, who were the claimants before the Motor Accident Claims Tribunal ["the Tribunal"].

3. The order dated 13.09.2025 records the statement of learned counsel for the appellant, that she had been instructed to withdraw the appeal. This statement was, in fact, recorded in the presence of the legal officer of the Insurance Company. In view of the said statement, the appeal was dismissed as withdrawn.

4. The ground taken in this petition is that the appeal [MAC.APP.

238/2017] was erroneously withdrawn, whereas the Insurance Company intended to withdraw a different appeal with a similar name, being *Shriram General Insurance Co. Ltd. v. Mahipal Singh Rawat & Ors.* [MAC.APP. No. 569/2015].

5. In the present petition, the record of MAC.APP. 238/2017 was summoned *vide* order dated 24.11.2025.

6. It appears from the record of MAC.APP. 238/2017 that the said appeal was taken up in the Pre-Sitting Lok Adalat on 09.09.2025, in the presence of the Manager (Legal) of the Insurance Company, and learned counsel for the claimants. On that date also, a statement was made on behalf of the Insurance Company, upon instructions, that they wished to withdraw the said appeal. The matter was therefore listed before the National Lok Adalat on 13.09.2025, when the impugned order was passed.

7. It may also be noted that MAC.APP. 569/2015 was neither listed before the Pre-Sitting Lok Adalat on 09.09.2025, nor before the National Lok Adalat on 13.09.2025. The cause title of the said appeal, although similar, is not identical to the cause title of MAC.APP. 238/2017.

8. Having regard to the fact that the statement with respect to withdrawal of MAC.APP. 238/2017 was first made before the Pre-Sitting Lok Adalat on 09.09.2025, and then reiterated before the National Lok Adalat on 13.09.2025, I am of the view that the petitioner's plea before this Court cannot be accepted. The petitioner had the opportunity to correct this mistake before the National Lok Adalat, but did not do so. If the confusion prevailed on two separate occasions, this cannot be attributed to *bona fide* inadvertence.

9. I am also conscious of the fact that interference with the said order at this stage would set the clock back as far as the respondents/claimants are concerned. The award of the Tribunal was passed more than nine years ago, in respect of an accident which occurred on 27.09.2012, i.e. more than 13 years ago. As a result of the impugned order, the respondents/claimants have become entitled to release of the amounts deposited by the Insurance Company pursuant to interim order dated 10.03.2017.

10. In these circumstances, I am of the view that the petitioner has failed to make out a case for interference with the order of National Lok Adalat, in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution.

11. The petition, alongwith pending application, is therefore dismissed.

PRATEEK JALAN, J

DECEMBER 23, 2025
'*Bhupi*'/AD/