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

+ MAC.APP. 381/2017 & CM APPL. 14981/2017
TATA AIG GENERAL INSURANCE CO LTDAppellant

versus

SANTARA DEVUI AND ANRRespondents

+ MAC.APP. 384/2017 & CM APPL. 15240/2017
TATA AIG GENERAL INSURANCE CO LTDAppellant

versus

RAJYALAXMI AND ORSRespondents

Appearances:

Ms. Vandana Kahlon and Mr. Rudra Kahlon, Advocates for appellant.
Mr. Arun Chaudhri, Advocate for claimants.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **20.12.2025**

1. These two appeals by the appellant - Tata AIG General Insurance Co. Ltd. ["Insurance Company"] are directed against a common award passed by the Motor Accident Claims Tribunal ["Tribunal"] dated 25.01.2017 in Suit No. 147/2015.
2. The claimants in both cases are the legal heirs of two victims of a fatal road accident, namely – Mr. Sandeep Kumar and Mr. Venkata Krishna Reddy Kasu. Both the deceased were riding on a motorcycle bearing registration No. UP-16AE-0323 on 11.02.2013 at about 08:43 A.M. The motorcycle was being driven by Mr. Sandeep Kumar. It is



contended that the motorcycle was hit by another motorcycle, bearing registration No. DL-3SCJ-3563 [hereinafter, “the second motorcycle”], at Meethapur Road, Jaitpur side, Near Hari Nagar Village and Lohia Pull, Agra Canal Service Road. Claim proceedings were instituted before the Tribunal on the basis of a Detailed Accident Report filed by the police on 30.06.2015.

3. I have heard Mr. Rudra Kahlon, learned counsel for the Insurance Company (which had insured the second motorcycle), and Mr. Arun Chaudhri, learned counsel for the claimants.

4. The principal submission of Mr. Kahlon is that the second motorcycle, which was insured by the Insurance Company, was not involved in the accident at all. He submits that, in this case, the evidence points towards false implication of the vehicle as a result of unreliable and unbelievable evidence. Mr. Kahlon points out that an FIR [FIR No. 47/2013] was registered on 11.02.2013, i.e., the day of the accident at Police Station Jaitpur, under Sections 279/304-A of the Indian Penal Code, 1860, in which no vehicle number was mentioned and no eye witness was cited. On 30.07.2013, the vehicle was in fact reported to be untraced, and a report to this effect was filed by the police authorities in the criminal proceedings. The Criminal Court recorded the statements of the claimants in both cases, namely Smt. Santara Devi, the mother of the deceased Sandeep Kumar, and Ms. Rajya Laxmi Kasu, the sister of the deceased Venkata Krishna Reddy. They stated before the Criminal Court, that the accident was caused by an unknown vehicle, and that they were satisfied with the investigation and had no objection to the filing of the untraced report. The untraced report was, therefore, accepted, with a



direction upon the Investigating Officer to reopen the case as and when any clue was found.

5. The investigation was subsequently reopened, and a chargesheet was filed on 07.03.2015, i.e. more than two years after date of accident. The entire basis for reopening the investigation was an application made on 30.11.2014 by Smt. Santara Devi, mother of the deceased - Mr. Sandeep. She stated therein that five days prior, she was informed by one Mr. Raj Nath s/o Hari Nath, r/o Village Molarband, Jaitpur, New Delhi-110044, that he had been given the registration number of the second motorcycle by one Mr. Kamal Kishore. The contention was that Mr. Kishore met Mr. Raj Nath at a roadside cart selling parathas, and informed him that he was an eyewitness to the accident, which took place one year nine months before, that he had noted down the number of the second motorcycle, and that the piece of paper was available in his house. According to this version of events, Mr. Kishore promised to give the number to Mr. Raj Nath the next day, and agreed to meet him at the same location. Smt. Santara Devi and Mr. Raj Nath went to the said location the next day, and met Mr. Kishore, who informed them of the registration number of the motorcycle which was involved in the accident. Smt. Santara Devi, therefore, sought reopening of the investigation. The investigation was thereafter reopened, and an inquiry was conducted with the driver of the second motorcycle, who confirmed the involvement of the motorcycle, and stated that he had run away from the spot. A chargesheet was accordingly filed.

6. It is the admitted position that the alleged eyewitness was not called to give evidence before the Tribunal, and the Investigating Officer



also did not give evidence. The Tribunal recorded the evidence of Smt. Santara Devi and Smt. Rajya Laxmi Kasu on behalf of the claimants, and of the Senior Manager of the Insurance Company on behalf of the respondents. The driver of the second motorcycle, Mr. Harish Kumar, who was a respondent before the Tribunal, also did not give evidence. Mr. Kahlon further submits that the Insurance Company specifically sought re-investigation by the police authorities, but the matter has not been re-investigated.

7. Although a chargesheet has been filed against the driver of the second motorcycle, Mr. Kahlon submits that, in the facts of the present case, the Tribunal ought not to have proceeded merely on the filing of the said chargesheet, without the alleged eyewitness having been examined. While the judgments of the Supreme Court, including in *Meera Bai v. ICICI Lombard General Insurance Company Limited*¹ and *Ranjeet v. Abdul Kayam Neb*², make it clear that eyewitness evidence may not be available, and need not be produced in every case for a finding of negligence to be returned by the Tribunal, Mr. Kahlon contends that, in the facts of this case, the FIR did not disclose the number of the vehicle, investigation was closed, and was reopened almost two years thereafter on the statement of an alleged bystander. The bystander had also not come forward to furnish the information available to him to the police authorities at any stage, but claimed to have preserved a slip of paper with the registration number of the vehicle for a period of one year and nine months, which information was disclosed to a neighbour/associate of the

¹ 2025 SCC OnLine SC 992.

² 2025 SCC OnLine SC 497.



claimant, leading to re-investigation.

8. At this stage, Mr. Chaudhri submits that, in the facts and circumstances of this case, the claimants may be given an opportunity to produce the eyewitness, or any other available evidence, before the Tribunal in order to enable the Tribunal to consider the question as to whether the second motorcycle was, in fact, involved in the accident. He submits that all rights and contentions of the parties on this point be left open for consideration by the Tribunal.

9. I am of the view that this course is appropriate in the facts and circumstances of the case. While the evidence as it stands may be insufficient, the claimants should not be deprived of the fruits of a beneficial legislation, if they are able to produce satisfactory evidence before the Tribunal.

10. The impugned award dated 25.01.2017 is therefore set aside, and the proceedings are remanded to the Tribunal. The Tribunal shall give an opportunity to the parties to lead further evidence and render a decision in accordance with law. It is made clear that the pleadings and evidence on the Tribunal's record, will remain on record in the remanded proceedings.

11. The parties will appear before the Tribunal on 02.02.2026, for further directions.

12. The amounts deposited by the Insurance Company in this Court, pursuant to the interim order dated 24.04.2017, will be released to the Insurance Company with interest accrued thereupon. Statutory deposit also be refunded to the Insurance Company.

13. It is made clear that the proceedings before the Tribunal will not be influenced by any observations made in this judgment.



14. The appeals are accordingly disposed of. The pending applications also stand disposed of.

PRATEEK JALAN, J

DECEMBER 20, 2025
SS/JM/