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

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MAC.APP. 16/2016

IFFCO TOKIO GENERAL INSURANCE CO LTD.....Appellant

Through: Ms. Suman Bagga and Ms. Mouli  
Sharma, Advocates.

versus

SHANTI DEVI & ORS

.....Respondents

Through: Mr. Anshuman Bal, Advocate for  
R-1 and 2.  
Mr. S.N. Parashar, Advocate for R-3

**CORAM:**

**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

**18.02.2026**

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1. This appeal has been filed assailing impugned award dated 12<sup>th</sup> December 2015 passed by the Motor Accident Claims Tribunal, Dwarka Courts, New Delhi [***“Tribunal”***] in *MACP No. 166/2012*.
2. *Ms. Suman Bagga*, counsel appearing on behalf of appellant/Insurance Company, points out that the claim petition was initially filed by Legal Representatives [***LRs***] of deceased *Deepak Tomar* under Section 166 of the Motor Vehicles Act, 1988 (***‘MV Act’***) but was later converted to a *Section 163A* petition. The Tribunal, therefore adjudicated the petition under Section 163A and granted compensation in favour of claimants [*respondent no.1-2 herein*].
3. The award records the stand of the claimants that *Deepak Tomar* was a pillion rider on motorcycle no. *‘DL-9SAG-8596’*, which was being driven rashly and negligently driven by *Rahul Singh* [*respondent no.3 herein*]. It



was case of claimants/respondents no.1-2 that, due to rash and negligent driving of Rahul/respondent no.3, the motorcycle collided against a divider, causing fatal injuries to *Deepak Tomar*, who later died. In that event, being a third-party, the insurance would have kicked in, and, therefore, compensation was awarded and appellant/Insurance Company was held liable to pay the same.

4. *Ms. Suman Bagga*, Counsel for appellant, states that the Detailed Accident Report (***DAR***) clearly records that *Deepak Tomar* was the driver and was driving without a valid driving licence. However, the DAR was not considered by the Tribunal while assessing negligence.

5. A perusal of impugned award dated 12<sup>th</sup> October 2015 passed by the Tribunal, confirms the same. It is, therefore, pleaded by *Ms. Suman Bagga*, Counsel for appellant, that the matter be remanded back to the Tribunal for consideration of this aspect of negligence, namely whether *Deepak Tomar* was driving the motorcycle and *Rahul* was the pillion rider, or *vice versa*.

6. *Mr. S.N. Parashar*, Counsel appearing for respondent no.3/*Rahul*, states that they have also filed a claim petition, being *MACP No.64/15/2015/492/16*, before the Tribunal seeking compensation for the injuries sustained. He further states that the claim petition has been filed on the basis that *Rahul* was the pillion rider while *Deepak Tomar* was driving the motorcycle.

7. It is informed that the said claim petition is listed before the Tribunal on 25<sup>th</sup> February 2025.

8. Considering that there are contrasting claims by *Rahul*/ respondent no. 3 on one hand and LR's of deceased *Deepak Tomar* on the other, as to who was driving the vehicle, and that there is a DAR report which must be taken into account, this Court deems it fit to remand the matter back to the



Tribunal to reconsider the evidence, documents on record, and the DAR, particularly, with respect to issue of negligence.

9. The Registry of this Court shall tag along this appeal with claim petition no. being *MACP No.64/15/2015/492/16* and list the matter before the Tribunal on 16<sup>th</sup> March 2026.

10. As part of fresh enquiry, *inter alia*, evidence of *Rahul* shall be recorded, and the right of cross examination shall subsist in favour of claimants/LRs of deceased *Deepak Tomar* as well as the Insurance appellant/Company.

11. Clearly, evidence in both matters will have an impact on the final decision.

12. The Tribunal shall return its finding and awards in these matters after requisitioning the relevant evidence for the purposes of adjudication and granting opportunity to the parties.

13. It is informed by *Ms. Suman Bagga*, Counsel for appellant, that the entire compensation amount, as per impugned award, has been deposited by the Insurance Company before the Registry of this Court *vide* order dated 08<sup>th</sup> January 2016, and 50% thereof stands released to the claimants, in terms of directions of the Tribunal in the impugned award. This fact stands confirmed by *Mr. Anshuman Bal*, Advocate for claimants.

14. This appeal stands disposed of with these directions.

15. Pending applications (if any) are rendered as infructuous.

16. Statutory deposit (if any) shall be refunded to appellant.

17. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**FEBRUARY 18, 2026/sm/tk**