$~48

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

\+ CM(M) 369/2026 & CM APPL. 10344-10345/2026

SH HARDUT .....Petitioner

Through: Mr. Murari Lal Sharma and Mr. V.K. Bhardwaj, Advs.

versus

SMT SHASHI & ORS. .....Respondents

Through: Mr. Pankaj Gupta, Adv. for R-1 & 2.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 16.02.2026

1. This petition has been filed seeking setting aside of impugned order dated 04th November 2025 in *MACT Claim No.87/2024* pending before MACT-02, Shahdara District, Karkardooma Courts, Delhi (hereinafter, '***Tribunal***').

2. By this impugned order, an application under Section 169(3) of Motor Vehicles Act, 1988 ('***MV Act***') has been moved by petitioner seeking further investigation in the matter. The said application was dismissed, along with costs of Rs.50,000/- and the Tribunal noted that petitioner/respondent no.4 is attempting to derail and delay the proceedings in claim petition.

3. Essential gravamen of petitioner's grievance is that the alleged offending vehicle/bus (of which he was the driver) has been wrongly implicated in the said proceedings by the IO, as there was no report at that stage that the accident was caused by alleged offending vehicle/bus.

4. To substantiate this, counsel for petitioner has relied upon the statement

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 21/02/2026 at 10:58:00

made in written statement filed before the Tribunal that ***firstly***, alleged offending vehicle/bus was planted by the IO, despite that it had crossed the toll plaza, at the given time, which was about *4 kms*. from the alleged place of accident. He has relied upon a CCTV footage taken by the police from toll plaza, which was enclosed with the written statement.

5. Counsel for petitioner, however, states that the CCTV footage has not been collected or produced by IO before Tribunal.

6. ***Secondly***, photographs of offending vehicle/damaged tractor have been appended along with their written statement basis which factum of accident cannot be made out on physical inspection of the alleged offending vehicle/bus.

7. Other issues have been taken up including that of territorial jurisdiction, which have not been considered by the Tribunal.

8. Considering that the inquiry is still under progress by Tribunal, these issues can be considered by Tribunal, in order that the grievance of petitioner can be taken care of.

9. CCTV footage can be requisitioned by Tribunal through the IO, as well as Mechanical Inspection Report.

10. These will throw light on circumstances in which the accident took place and whether, the alleged offending vehicle/bus was involved.

11. Petitioner is at liberty to cross-question the IO on various aspects, at the stage when evidence is being led.

12. It is informed by counsel for respondent that their evidence is currently being recorded.

13. With respect to observations made by the Tribunal regarding conduct of petitioner/counsel for petitioner in delaying the proceedings, counsel for

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 21/02/2026 at 10:58:00

petitioner have undertaken that no steps shall be taken to delay the proceedings of the inquiry.

14. Tribunal will consider the pleas of petitioner and will adjudicate on the same, at the time of passing of final order so that rights and remedies of petitioner remain open.

15. In view of the undertaking given by the counsel for petitioner that they will not delay proceedings before the Tribunal on any account whatsoever, and submission made by counsel for petitioner that the application under Section 169(3) of MV Act was moved on account of order of Principal District & Sessions Judge that petitioner was free to move an application before the Tribunal, the costs in each of these petitions being ***MACT No. 90/2024***, ***MACT No. 88/2024*** & ***MACT No. 87/2024*** be reduced to Rs.5,000/- each.

16. Costs have been reduced and not waived of, so that no further attempt is made by petitioner to derail the trial.

17. However, it is made clear that the Tribunal will take into account all aspects of collecting evidence, as part of its inquiry proceedings in order that a just and fair assessment is made.

18. Accordingly, the petition is disposed of with the aforesaid directions.

19. Pending applications, if any, are also disposed of as being rendered infructuous.

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

ANISH DAYAL, J

FEBRUARY 16, 2026/MK/*sp*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 21/02/2026 at 10:58:00