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

+ MAC.APP. 161/2026, CM APPL. 14153/2026 CM APPL.
14154/2026 & CM APPL. 14155/2026.

NEW INDIA ASSURANCE CO. LTD.Appellant

Through: Mr. Salil Paul, Advocate with
Mr. Sahil Paul, Advocates.

versus

BRHAMKAUR & ORS.Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **09.03.2026**

1. This appeal has been filed challenging the impugned award dated 3rd December 2025 passed by the Motor Accidents Claims Tribunal, Rohini Courts [**MACT**], in *MAC Petition No. 84/2021*, whereby an award was passed in favour of claimant for a sum of Rs. 62,21,000/- along with 7.5% interest per annum.

2. Counsel for appellant/Insurance Company challenges the award on the basis that the claimants could not prove negligence of the driver of the offending vehicle, and the MACT erred in accepting the record of the criminal proceedings for the purpose of determining *Issue No. 1*. For ease of reference, said Issue is extracted as under:

“Whether deceased Tejvir Singh has died in road side accident occurred on 16.11.2020 at 9:00 PM at Eastern Peripheral Expressway, Rataul Bypasss, Khekda, District Baghpat UP, within the jurisdiction of PS. Khekda,



District Baghpat, UP, due to rashness and negligence on the part of Sh. Narender Pal Singh/R2 who was driving vehicle bearing registration no. AS-01-BR-4171, owned by Sh. Nabab Singh/R1 and insured with New India Assurance Co. Ltd/R37? OPP”

3. The accident occurred on 16th November 2020 at about 9:00 p.m., when deceased *Tejvir Singh* was standing near his car on the Eastern Peripheral Expressway, District Baghpat, Uttar Pradesh, since there was a mechanical fault in his car. His parking lights were apparently on; however, despite that, a *Mahindra XUV* vehicle bearing No. AS01-BR-4171 [**‘offending vehicle’**], allegedly driven in a rash and negligent manner, hit the vehicle of the deceased. *Tejvir Singh*, sustained fatal injuries and died. **FIR No. 446 /2020** under Sections 279/304A/427 of the Indian Penal Code 1860 [IPC] was registered at *Police Station Khekra*.
4. Appellant/Insurance Company took the defence before the MACT that the offending vehicle had been falsely implicated, and that negligence had not been proven. In examining this, the MACT in the impugned award notes the testimony of **PW-1**, *Shri Ishwar Singh*, father of the deceased, who proved various documents related to the proceedings before the Criminal Court, as well as the identification documents, driving license and salary documents.
5. Counsel for appellant stated clearly in his cross-examination that he was not an eyewitness, but denied the suggestion that the offending vehicle, was falsely implicated only to grab compensation.
6. The MACT in *paragraph 12* of the impugned award, stated that nevertheless there was ample material brought on record during



inquiry which was sufficient to establish that the accident occurred because of rash and negligent driving of the offending vehicle. Notably, the MACT records that two General Diary entries were registered at *Police Station Khekra*.

7. *First* was **GD No. 002**, recorded on 17th November 2020 at about 12:59 a.m, on the statement of *Vikas*, brother of the deceased, regarding the accident in question having been caused by an unknown vehicle.

8. *Second* was **GD No. 003**, recorded at *Police Station Khekra*, on 17th November 2020 at about 1:11 a.m., on the statement of *Nabab Singh*, the registered owner of the offending vehicle, stating that his vehicle had hit the divider to save another vehicle.

9. The MACT, on assessing these two General Diary entries, notes that:

“A bare perusal of both the aforesaid GDs show that the same were recorded within a short span of 12 minutes and were about the accident which had occurred at the same place on the same date”

10. The recording of **GD No. 003**, as noted by the MACT, would bear out that the vehicle was being driven by its driver at a high speed, in a negligent manner, because of which he could not avoid a collision. FIR was subsequently registered and a chargesheet was also filed.

11. It is also important to note is that the appellant/Insurance Company did not take steps to produce the driver or owner of the offending vehicle, as a witness, to dilute or controvert the assertion of the claimant in this regard.



12. The MACT also placed reliance on the *post-mortem* report, which showed that the cause of death was *haemorrhagic shock*, and the injuries noted in the column relating to external injuries were consistent with injuries sustained in a motor vehicle accident.

13. Counsel for appellant relies on the decision in ***Oriental Insurance Co. Ltd. v. Meena Variyal***, (2007) 5 SCC 428. However, the said decision would not come to the aid of the appellant, since the assessment by the MACT has been made based on *preponderance of probabilities*.

14. Considering that the deceased was on his own, and there was no eyewitness at the time of the fatal accident, the relevant record had to be examined by the MACT in this regard. The MACT, in the opinion of this Court, has correctly undertaken such an assessment, and there is nothing else on record which would sustain the plea of the appellant. Not only was a chargesheet filed, but also there was no evidence to the contrary placed by the Insurance company. Also, there was no reason for the owner of the offending vehicle to register a GD on the same day at a proximate time stating that his vehicle hit a divider. The test of preponderance of probabilities was fully satisfied in these facts and circumstances.

15. For ease of reference, observations made by the MACT is extracted as under:

“16. Further, it is well settled legal position as laid down by Hon'ble Apex Court as well as by various High Courts in plethora of judgments delivered from time to time that in claim petitions preferred U/s 160/144 M.V Act, the claimants have to prove on the



basis of preponderance of probabilities that accident was caused due to rash and negligent driving of alleged offending vehicles by its drivers. Same is the essence of legal position discussed by Hon'ble Apex Court in celebrated case of **Meena Variyal** mentioned supra. At the same time, it is no more res-integra that claim petition filed under relevant provisions of M.V Act, is the outcome of social welfare legislation and the proceedings are summary in nature and do not require strict compliance of rules of evidence and pleadings. It needs no emphasis that in case replies filed by respondents, are evasive then it is deemed that they have admitted the averments made by the claimants. The purpose of granting compensation is to ameliorate the sufferings of the victims of Motor Vehicle Accidents and the niceties, hyper technicalities, procedural wrangles and tangles and mystic maybes have no role to play and same should not be any ground to dismiss the claim petitions and to defeat the rights of the claimants. While saying so, I am fortified by the decisions rendered by Hon'ble Apex Court in the cases titled as “**N.K.V. Bros (P) Ltd Vs. M. Karumai Ammal**”, 1980 ACJ 435 (SC); “**Sohan Lal Passi Vs. P. Sesh Reddy**”, 1996 ACJ 1044 (SC) and “**Dulcina Fernandes Vs. Joaquim Xavier Cruz**”, 2013 ACJ 2712 (SC). It is also relevant to mention here that while deciding claim petition under M.V Act, it is the duty of Claims Tribunal to follow the principles of justice, equity and good conscience and to adopt more realistic, pragmatic and liberal approach.

17. The aforesaid issue recently came up for discussion before Hon'ble Apex Court in the case of “**Vimla Devi & Ors. Vs. National Insurance Company Limited & Ors.**”, Civil Appeal No. 11042 of 2018, decided on 16.11.18. After referring to the previous judicial precedents on the point in issue and the fact that M.V. Act is a social welfare legislation, Hon'ble Apex Court held in para 29 of its judgment as



under:-

“xxxxx

29. In our view, what more documents could be filed then the documents filed by the appellants to prove the factum of the accident and the persons involved therein.

xxxxx”

18. In the above cited decision, the facts were almost similar and the claimants had not examined any eyewitness. Hon'ble Apex Court held that in view of filing of criminal case record including charge-sheet showing that driver of alleged offending vehicle had been charge-sheeted for causing the accident due to rash and negligent driving of said vehicle and the driver himself did not enter into witness box, claimants were able to prove the issue of accident being caused due to rash and negligent driving of said vehicle by said driver on the basis of pre-ponderance of the probabilities.

19. In view of the aforesaid discussion and the evidence which has come on record, it is held that the petitioners have been able to prove on the basis of preponderance of probabilities that deceased Tejvir Singh had sustained fatal injuries in the road accident which took place on 16.11.2020 at about 9:00 PM at Eastern Peripheral Expressway, Rataul Bypass, Khekda, District Baghpat, UP, due to rash and negligent driving on the part of respondent no. 2/driver of the offending vehicle. Thus, this issue is decided in favour of petitioners and against the respondents.”

16. Accordingly, the appeal is dismissed.
17. Pending applications are rendered infructuous.
18. The demand draft of Rs.25,000/- towards the statutory deposit has been placed on record, though the draft has not been deposited, as



stated by *Mr. Salil Paul*, Counsel for the appellant.

19. Accordingly, the same may not be deposited, considering that the appeal is now dismissed.

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

ANISH DAYAL, J

MARCH 9, 2026/RK/tk