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

+ **MAC.APP. 197/2026**

DEEPANSHU PAHUJA

.....Appellant

Through: Mr. S.N. Parashar and Mr. Ritik Singh,
Advts.

versus

RISHABH ARORA & ORS.

.....Respondents

Through: Mr. Attin Shanker Rastogi, Ms.
Jigyasa Prashar & Ms. Saloni Kumar,
Advts. for NIC/R-3

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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20.05.2026

1. This appeal has been filed assailing judgment dated 12th November 2025, passed by Motor Accident Claims Tribunal ('**MACT**'), South West District, Dwarka Court, whereby the claim petition was dismissed.
2. The appeal relates to an accident that occurred on 03rd August 2014, when the injured, *Deepanshu Pahuja*, was travelling along with his friend, *Rishabh Arora*, in a *Hyundai i-20* car bearing registration no. DL-8CAA-3808, which was being driven by *Rishabh Arora* (respondent no. 1) in a rash and negligent manner. Appellant had cautioned respondent no. 1/driver to drive carefully; however, the said warning was ignored and the vehicle collided with the divider near *Bharti College, Janak Puri, Delhi*, resulting in injuries to both occupants. Owing to the head injuries sustained in the accident, the appellant suffered permanent mental disability to the extent of 68%.
3. An FIR No.864/2014 was registered under Sections 279/337 of the



Indian Penal Code, 1908, against *Rishabh Arora*, since he was a minor and not holding a valid and effective driving licence.

4. The claim petition was filed seeking compensation. *Rishabh Arora* and the owner of the vehicle, namely his father, *Gauri Shankar Arora*, have been arrayed as respondent nos. 1 and 2 respectively, while the Insurance Company has been arrayed as respondent no. 3.

5. Appellant examined two witnesses to prove their case. However, the MACT dismissed the claim on the ground that neither injured, *Deepanshu Pahuja*, nor any independent witness was examined. Only, **PW1/Smt. Gayatri Pahuja**, the mother of the injured, and the concerned doctor were examined.

6. *Mr. S.N. Parashar*, counsel for appellant, states that since the injured/claimant was the minor at that time, the testimony was not recorded. He further submits that the claimant, *Deepanshu Pahuja*, has now attained the age of majority, and so has *Rishabh Arora*/ respondent no. 1.

7. He accordingly submits that the matter be remanded back to the MACT to enable the parties to prove the case of negligence and to record the evidence of these witnesses, or any other witnesses, as may be necessary.

8. *Ms. Jigyasa*, counsel for Insurance Company, seeks time to take instructions in this regard. However, in the opinion of the Court, the same may not be required since perusal of the impugned award shows that in *paragraph 18*, the MACT observed that neither the injured, *Deepanshu Pahuja* himself, nor any independent witness had been examined to establish rash, reckless and/or negligent driving of the vehicle by respondent no. 1, *Rishabh Arora*.

9. Relying on the decision of the Supreme Court in ***Oriental Insurance Co Ltd. v. Meena Variyal & Ors.*** (2007) 5 SCC 428, the Tribunal has arrived



at a conclusion that in the absence of evidence the claim would stand dismissed.

10. The MACT appears to have overlooked the settled position that proceedings before the MACT are in the nature of inquiry and are not strictly as adversarial litigation. During the course of the proceedings, it was evident that *Deepanshu Pahuja* had already attained the age of majority, he being 16 years of age on the date of the accident, i.e., 03rd August 2014.

11. To examine the injured/claimant or for that matter any other independent witness, if available, was the duty of the MACT and the injured/claimant could have been requisitioned/summoned for providing his testimony.

12. The conspectus of nature of proceeding before the MACT and the guideposts for considering the issue of negligence, even in absence of independent witnesses, has been considered by this Court in the decision of *Oriental Insurance Co. v. Sunita Singh*, 2026:DHC:3190 and *National Insurance co ltd v Shehnaj Begum & Ors.*, 2026:DHC:3169 which may be instructive for the MACT, where previous decisions of the Supreme Court and this Court have been considered as regards the determination of issue of negligence have been considered.

13. In view of the above, the matter is remanded back to the MACT to record the testimony of the injured, *Deepanshu Pahuja*, who has attained the age of majority and any other independent witness, if so available. The right to cross examine the witnesses will always be available to counsel for the opposing parties.

14. Accordingly, the impugned order is set aside and matter is remanded back to the concerned MACT.

15. It is made clear that this Court has not expressed any opinion on the



merits of the matter, and it shall be open to the MACT, upon examination of the additional evidence, to arrive at an appropriate conclusion in accordance with law.

16. The proceedings before the MACT shall be concluded within a period of six months.

17. The parties shall appear before the MACT on 2nd June, 2026.

18. Appeal stands disposed of in terms of above terms.

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

ANISH DAYAL, J

MAY 20, 2026/sm/zb