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

% ***Date of decision: 01st April 2026***

\+ **MAC.APP. 229/2026, CM APPL. 20544/2026, CM APPL. 20545/2026, CM APPL. 20546/2026 & CM APPL. 20547/2026**

TATA AIG GENERAL INSURANCE COMPANY LTD.
.....Appellant
Through: Mr. Vaibhav Singh, Mr. Ashish Kumar and Mr. Naveen Khatri, Advs.

versus

KEWAL KRISHAN SEHGAL AND ORS. .....Respondents
Through: Mr. Pankaj Gupta, Ms. Priyanka S. Aneja and Mr. Vikas Kumar, Advs.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has been filed for setting aside the judgment dated 26th September 2025, passed by the MACT, District Shahdara, Karkardooma Courts (‘***MACT/Tribunal***’) in MACT No.200/2019.

2. The Insurance Company challenges the award on the issue of liability, considering that the deceased *Garv Sehgal* was himself driving the offending vehicle, i.e. *Ford Eco Sport*, which went over a divider and collided with a *Maruti Eeco.*

3. While *Garv Sehgal* himself passed away while allegedly driving the Ford Eco Sport car, which was owned by Mohan Jain (respondent no.3) and with *Akshay Jain* (respondent no.2) as the alleged co-passenger.

4. It is contended that *Akshay Jain* had originally taken the car but had handed it over to *Garv Sehgal*, and that the accident occurred while *Garv Sehgal* was driving the vehicle. On this basis, it is argued that the Insurance Company, being the insurer of the *Ford Eco Sport car,* ought to be exonerated from liability.

5. The MACT has, however, assessed this issue relating to the dispute as to whether *Akshay Jain* or *Garv Sehgal* was driving the car at the time of the accident and reached a conclusion, on preponderance of probability, that it was *Akshay Jain* who was driving the car.

6. The same has been challenged by the Insurance Company on the basis that the statement and cross-examination of *Akshay Jain* both recorded that they had left from *Patparganj Industrial Area,* where they had gone to collect some documents, and were driving from *Patparganj Industrial Area*. In his evidence, *Akshay Jain* stated that while descending from the *Anand Vihar flyover* at around 6:30 p.m., he suddenly became unconscious and regained consciousness only upon being taken to the hospital.

7. *Mr. Pankaj Gupta*, counsel appearing on behalf of the claimants, however, contends that the Insurance Company has discharged its liability in respect of the occupants of the *Maruti Eeco car*, which had three passengers, of which two had died, and one was injured.

8. *Mr. Pankaj Gupta*, counsel for the claimants, points out that the CCTV footage from the *Patparganj Industrial Area,* where the journey had started, clearly shows that *Akshay Jain* was driving the car. Moreover, the evidence of his father, *Mohan Jain,* is on record, stating that the keys were handed over to *Akshay Jain* for the purpose of collecting certain documents from *Patparganj Industrial Area*.

9. Aside from the analysis by the MACT, with which this Court does not disagree, it is also noted that the reliance placed by the Insurance Company on the cross-examination of *Akshay Jain* is untenable for the reason that the CCTV footage at *Patparganj Industrial Area* showed that *Akshay Jain* was driving the car, therefore, his statement that *Garv Sehgal* was driving from *Patparganj Industrial Area* is wrong and his evidence cannot be relied upon.

10. Moreover, FIR was registered against *Akshay Jain*, and a charge-sheet has also been filed against him. There is nothing on record to show that the said criminal proceedings have been challenged.

11. Further, the Insurance Company, having already discharged and accepted their liability in respect of the injuries and death of the *Maruti Eeco car* occupants, accordingly, cannot now seek partial exoneration from the impugned award in relation to the death of *Garv Sehgal.*

12. This Court is of the view that the MACT, after a detailed analysis of the evidence before it, has taken the correct view, based on the preponderance of probabilities, which is the applicable standard for determining negligence in motor accident cases.

13. Considering that there were only two occupants in the car, and that *Akshay Jain* is the son of the owner of the vehicle, it is quite probable that he denied being the driver immediately after the accident.

14. It is also unlikely that the vehicle would have been handed over to another person within a short distance from *Patparganj Industrial Area* to his home, which was nearby. It is more plausible that *Akshay Jain*, in a state of panic, stated before the police that he was not driving the vehicle. This version could not have been controverted by the only other occupant of the car, who subsequently succumbed to his injuries.

15. Considering it is a fatal case, the Court is also, for that reason, not inclined to allow the appeal of the Insurance Company.

16. Accordingly, the appeal is dismissed.

17. Pending applications, if any, are rendered infructuous.

18. Compensation amount awarded by the MACT stands confirmed and shall be released, along with the accrued interest, as per the directions given by the MACT.

19. Statutory deposit, if any, be refunded to appellant.

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

(ANISH DAYAL)
JUDGE

APRIL 1, 2026/mk/bp