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

+ CM(M) 854/2026 & CM APPL. 25213/2026

SHEHNAZ AND ORS

.....Petitioners

Through: Mr. Ayush Singhal, Mr. Rohit Kumar,
Advocates along with Petitioner No.1
in person.

versus

SHEIKH ISMAIL & ORS.

.....Respondents

Through: *None.*

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

24.04.2026

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1. This petition has been filed seeking directions for the expeditious disposal of the petition i.e. ***Ex. No.1181/2025***, pending before the Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi (***MACT***). Petitioners are the wife and minor daughters of the accident victim, *Mohd. Javed*, who sustained grievous injuries in a motor accident on 24th July 2022 and was rendered in a vegetative state.

2. The claim petition was decided by the MACT *vide* Award dated 30th April 2025, awarding a sum of *Rs.56,77,706/-* along with interest @9% per annum from 15th September 2022, with a stipulation that delaying in deposit beyond 30 days would entail interest at the rate of 12% per annum.

3. The Insurance Company filed an appeal before this Court *i.e.* ***MAC.APP. 416/2025***, assailing the findings of negligence and grant of *future medical and attendant charges*.



4. By judgment dated 9th July 2025, this Court upheld the award and dismissed the appeal. The only issue, on which the Court reserved its comment was the grant of *recovery rights* by the MACT award in favour of the Insurance Company against the owner/driver. Liberty was given to the Insurance Company to approach the MACT on aspects of wrongful grant of recovery rights, and the statutory amount was permitted to be withdrawn.

5. *Mr. Ayush Singhal*, counsel for petitioners/claimants, states that the award attained finality and since no disbursement has been made, the Execution Petition under Section 174 of the Motor Vehicles Act, 1988 (*'MV Act'*) was filed.

6. By order dated 28th July 2025, MACT directed that the fresh Execution Petition be registered and called the report for the *Nazir*.

7. On 12th September 2025, the matter was adjourned to 22nd September 2025, at the request of proxy counsel for the insurer. On 22nd September 2025, at the request of the Insurance Company, the matter was adjourned to 6th October 2025 for compliance. On 3rd November 2025, the matter was again adjourned to 22nd December 2025. Finally, on 22nd December 2025, counsel for the insurer submitted that they would be filing an application "*for review of the award dated 30th April 2025 in view of the liberty granted by this Court*" and the matter was adjourned to 28th January 2026.

8. On the next date, the MACT recorded that an application for review had been filed and certain objections had been raised in the filing and they will re-file after clearing the objections. The execution was yet again adjourned and the matter was re-notified for 25th March 2026. On 25th



March 2026, with respect to the objections filed by the insurer, the execution was again adjourned to be taken up with “*connected matter*”.

9. Counsel for petitioners submits that the sequence of orders justifies their plea for expeditious disposal of the execution petition, the delay of which has caused tremendous hardship to the family, which is required to care for a *100%* permanently disabled person in a vegetative state, who was the sole earning member.

10. This Court does not appreciate the delay on the part of the MACT in deciding the Execution Petition, particularly since no stay on the execution of the award was granted by this Court and, in fact, the appeal filed against the award has already been dismissed, thereby confirming the same.

11. The insurance company has clearly been tardy and inertial in placing the review, which in any case does not have any impact on the compensation awarded to the claimants. The issue of *pay and recover*, if at all, is right now being adjudicated before the Supreme Court and, in fact, a bunch of matters on this issue is also listed before this Court on the 16th September 2026. The issue of *pay and recover* is a legal issue, which will finally be adjudicated but does not absolve the Insurance Company from payment of the said amount.

12. Accordingly, in these circumstances, the MACT is directed to decide the Execution Petition within a period of one week, and the Insurance Company is also directed to ensure that the award, which stands confirmed upon dismissal of their appeal by this Court, is executed expeditiously.

13. The matter is already listed before the MACT on 27th April 2026.



14. Copy of this order be sent to the concerned MACT for compliance and issuing the necessary directions.
15. Copy of this order be given *dasti* under the Signature of the Court Master.
16. Petition stands allowed and disposed of in above terms. Pending application are also disposed of.
17. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 24, 2026/ak/zb