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

+ MAC.APP. 268/2026, CM APPL. 25834/2026 CM APPL. 5835/2026
CM APPL. 25836/2026 CM APPL. 25837/2026 CM APPL.
5838/2026 CM APPL. 25839/2026

AJAY BHATI

.....Appellant

Through: Mr. Yogender Kumar and Ms. Ankita
Wasan, Advs.

versus

SANGITA DEVI & ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **20.04.2026**

1. This appeal has been filed assailing the award dated 21st November 2025 passed by the Motor Accident Claims Tribunal [**'MACT'**], South-East, Saket Courts in MACT No.194/2025. The MACT awarded a compensation of Rs.7,43,134/- along with interest @ 7.5% per annum from the date of filing of DAR till realization.
2. The accident occurred on 09th November 2022, when the injured *Sangita Devi* and her husband were travelling from *INA Market* to *Pilanjli Village*. When they reached near *Pilanjli Bridge*, an e-rickshaw bearing registration no. DL-5ERA-0626 came from behind at high speed and ran over the injured/claimant, due to which she suffered injuries. An FIR No.469/2022 dated 09th November 2022 was registered at PS *Kotla Mubarakpur* under Sections 279/337A of the Indian Penal Code, 1860 (**'IPC'**), and the investigation resulted in a chargesheet under Sections



279/388 IPC, Sections 3/181, Section 5/180 and Section 146/196 of the Motor Vehicles Act, 1988 (*'MV Act'*).

3. The Tribunal held that the accident occurred due to the rash and negligent driving of the offending vehicle by *Luv Kush*/respondent no.1 (*the driver of the vehicle*), which was allegedly owned by appellant herein.

4. It is stated by counsel for appellant that the criminal proceedings have resulted in a final order, and post-conviction, they have paid a penalty as well.

5. However, the argument raised by *Mr. Yogender Kumar*, counsel for appellant, is that they had already transferred the vehicle to one *Pushpender* on 22nd January 2022, and the liability at best would have to be shared with the subsequent owner.

6. Counsel for appellant points out to the statement given to the IO on 20th March 2023, which he states was part of the record and was never considered.

7. Moreover, he states that the impugned award by the MACT has been passed without consideration of their arguments, since their counsel had informed them that the matter had been disposed of in the criminal proceedings and nothing else was left.

8. However, the Court is not inclined to accept their plea for the reason that even in the chargesheet, the mention of *Pushpender* comes up, where it is stated that he has been placed in *column 12* of the chargesheet, since there was no proof which was available against *Pushpender*.

9. Appellant has chosen not to challenge the criminal proceedings at any stage, which has culminated in him paying the penalty.

10. Accordingly, it is not sustainable that appellant now chooses to



challenge the MACT award, which he chose to ignore previously.

11. A simplicitor plea that it was a mistake of the counsel will not come to aid of appellant, considering that they were aware of the criminal proceedings all through.

12. Moreover, the counsel has sought to rely upon a decision of the Supreme Court in *Purnya Kala Devi v. State of Assam* (2014) 14 SCC 142, in which the Supreme Court has considered an issue of the definition of the ‘owner’ as contained in Section 2(30) of the Motor Vehicle Act, 1988 Act without noticing that the vehicle was under the requisition of the State of Assam and adumbrated on the issue of possession of the vehicle.

13. Be that as it may, the plea, which has been made by appellant, does not find any assessment even in the criminal proceedings, and there is no cogent reason as to why appellant did not choose to defend the MACT proceedings, which had been instituted.

14. As regards the issue of liability, if at all, accepting any plea by appellant would amount to introducing evidence, which was not there on record.

15. The appeal is, therefore, dismissed.

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

17. Counsel for petitioner submits that appellant may wish to institute separate proceedings regarding transfer of ownership and possession of the vehicle and for recovery of amounts in a civil suit; needless to state they will always be at liberty to proceed in accordance with the law.

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

ANISH DAYAL, J

APRIL 20, 2026/MK/bp