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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of decision: 23rd March 2026*+ **MAC.APP. 383/2022**

SANJU CHAUDHARY & ORS.

.....Appellant

Through: Mr. Shekhar Aggarwal, Advocate.

versus

JITENDER KUMAR & ORS.

.....Respondents

Through: Mr. J.P.N. Shahi, Advocate for R-3 (*through VC*).**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. The present appeal has been filed by the claimants/Legal Representatives of the deceased, *Sh. Dharendra Singh*, against judgment dated 12th April 2022 passed by Motor Accidents Claims Tribunal ('*MACT*'), Central Tis Hazari Courts, Delhi, in MACT Petition No. 213/2019, whereby claim petition was dismissed.

2. On 19th September 2018, the deceased, who was posted at Police Station (PS) Modi Nagar, Uttar Pradesh (UP), was travelling on his motorcycle bearing No. UP-13 AW- 7146. When he reached near Chowki, *Kadirabad, UP*, it was alleged that a vehicle bearing registration No. UP-16



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DT- 4129, driven in a rash and negligent manner by its driver, hit the vehicle of the deceased, who fell on the road and sustained grievous injuries. It was alleged that he was shifted to *Yashoda Hospital* but expired on 1st October 2018.

3. Thereafter, an FIR No. 917/2019 was registered on 1st October 2018 at PS Modi Nagar under Sections 279/337/304A/427 of Indian Penal Code, 1860 (*‘IPC’*) against the driver (*Jitinder Kumar*) of the offending vehicle, owned by (*Netra Pal Singh*) and insured by Oriental Insurance Company Ltd.

4. As per the written statement filed by the driver and the owner, they stated that the petition was filed on false, concocted, and frivolous facts, and they have been falsely implicated in the matter.

5. Various arguments were raised before the MACT regarding the untenability of the claim petition, *inter alia*: (i) delay of 12 days in lodging the FIR; (ii) the MLC from Yashoda Hospital recorded that the injured had fallen from his motorcycle due to potholes; (iii) statements of cited witnesses, namely two constables, were not recorded; and (iv) an eyewitness, **PW-2** Pawan Kumar, was introduced after seven months and thereafter a supplementary charge sheet.

6. *Mr. Shekhar Aggarwal*, counsel for claimant, has assailed the impugned award, submitting and responding to these issues, as under:

- i. Delay of 12 days in lodging the FIR, noted as an adverse issue by the MACT, was not relevant. He states that the complaint was finally lodged by *Rajat Chaudhary*, the son of the deceased, only on 1st October 2018, and immediately thereafter, the FIR was lodged. The



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delay was because only the son of the deceased was saddled with the responsibility of treatment.

- ii. Non-examination of the Head Constable (HC) *Rakesh Singh* and Constable *Deepak Kumar* was considered by the MACT; however, due to no statements being on record, the MACT considered it adverse to the claim of appellant. On this, appellant relies upon the eyewitness statement of **PW-2** for this purpose, and the non-filing of the statements of the constables is stated to be hyper-technical.
- iii. Delay of 9 months and 16 days in filing the supplementary charge sheet was again asserted as not relevant, considering the testimony of eyewitness **PW2**, *Pawan Kumar*, who had, according to appellant's counsel, stood the acid test of cross-examination to prove the negligence.
- iv. Credibility of the eyewitness, *Sh. Pawan Kumar* was asserted in that he withstood the cross-examination and answered all questions. Nothing adverse was brought on record.
- v. As regards the information given to the attending doctor recorded in the MLC, it is stated that it ought not to be read in evidence since the same was hearsay, and yet again must be balanced against the testimony of **PW-2**.
- vi. It is admitted that the MLC prepared at *Jeevan Hospital* was not placed on record. However, since he was referred to *Yashoda Hospital*, the said MLC was placed on record. Moreover, it is stated that he was taken to *Jeevan Hospital* by the police personnel for primary treatment and then referred further *Yashoda Hospital*.



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7. In the Court's opinion, the submissions made by counsel for the appellant appear to have been fully, thoroughly, and comprehensively considered by the MACT, particularly from *paragraph 25* onwards of the impugned award.

8. The Court, after perusing the MACT analysis in detail and perusing the documents in question, does not find it amiss. In fact, it is well reasoned and accurate in its analysis.

9. What is notable is that the deceased was a policeman who was going after attending his duties in the police station and was within the jurisdiction of his police station.

10. **Firstly**, even if he was taken by his colleagues of the same police station to *Jeevan Hospital*, there was no reason why the MLC of *Jeevan Hospital* was not placed on record.

11. **Secondly**, after he was referred from *Jeevan Hospital* to *Yashoda Hospital and Research Centre*, the MLC form of *Yashoda Hospital and Research Centre*, categorically states that he had been brought in by his son *Rajat* and that the head injury was the result of **riding a bike which fell due to potholes at 3:45 AM near Kadirabad**, and that he was referred from *Jeevan Hospital*, where he was taken by police personnel for primary treatment.

12. **Thirdly**, even if there was an eyewitness available at midnight when the accident had taken place, it is quite incredulous that no statement was given to the police, nor was it recorded, at that stage.

13. **Fourthly**, testimony of **PW2**, which is sought to be heavily relied upon by counsel for appellant, has been examined by the MACT in some detail. What is notable in that in testimony, **PW2** states that they left the spot



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in the process of chasing the offending vehicle, but were unsuccessful, and thereafter they returned to the accident spot, and it was revealed that the injured had been taken away by the police to some nearby hospital. In the cross examination however, **PW2** stated that he does not remember the number of the motorcycle on which he was a pillion rider. There is no name given for the driver of the motorcycle on which he was driving.

14. These are several other inconsistencies which have rightly been assessed by the MACT. MACT noted that that **PW2** was introduced as a witness after 7 months. The MACT correctly notes that the testimony of **PW2** is doubtful since his presence is not reflected in any of the documents placed on record.

15. Moreover, all this should be considered in the context of the fact that the deceased was a police official in the same jurisdiction where the FIR was registered, and this would potentially point to the possibility that this whole case was created for purposes of compensation. Moreover, if the police colleagues of his jurisdiction were involved in taking care of the deceased after the accident, so many lapses in the criminal process militates against the claimant's case.

16. **Fifthly**, *Rajat*, the son of deceased, has not been examined, nor the alleged eyewitnesses, namely, Head Constable *Rakesh Singh* and Constable *Deepak Kumar*, who have been mentioned in the charge sheet.

17. **Sixthly**, MACT also noted that an incomplete charge sheet had been filed without placing on record the certified copy of the documents or statements and witnesses.



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18. The very fact that the original MLC has categorically noted that he had fallen from his bike, due to potholes on the road, is itself dispositive of the nature of the event.

19. The recording in an MLC for purposes of evidence is considered highly persuasive, considering that independent parties such as doctors in a hospital are trained to record the correct facts in the first document, particularly the nature of the incident.

20. In this view of the matter, the Court is not inclined to allow the appeal of the claimants. Therefore, the appeal stands dismissed.

21. Pending applications (if any) are rendered infructuous.

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

(ANISH DAYAL)
JUDGE

MARCH 23, 2026/RK/zb