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

\# **CNR No. DLHC010513852026**

\+ CM(M) 2340/2026, CM APPL. 73831/2026 & CM APPL. 73832/2026.

PETER CHRISTUDAS & ORS. .....Petitioners

Through: Ms. Priyanka Sethia, Ms. Poonam Shekhawat, Advocates.

versus

BABBAN PAL & ORS. .....Respondents

Through: Mr. Sameer Nandwani, Advocate.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 27.10.2026

1. This petition has been filed for setting aside impugned orders dated 14th March 2026, 14th September 2026 and 03rd October 2026 passed by the Motor Accident Claims Tribunal, Shahdara District, Karkardooma Courts, Delhi ('***MACT/Tribunal***') in MACT No. 119/2020, rejecting the reopening of petitioners'/claimants' evidence and disallowing petitioners/claimants to lead evidence of *Mr. Abraham Peter*, *Mr. Kapil Dhaka* and *Mr. Ajay* and a prayer, which had been made in the alternative, to refer the matter to Special Investigation Team ('***SIT***') for investigation and verification of the accident.

2. *Ms. Priyanka Sethia*, Advocate appears for the petitioners/claimants, in respect of an accident which occurred on 03rd February 2020 resulting in the death of *Joseph Peter* (hereinafter, '***deceased***'). FIR No. 154/2020 was

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registered at P.S. Kaushambi at the behest of *Mr. Abraham Peter*, who is the brother of deceased. Thereafter, a claim petition was filed under Section 166 and 140 of Motor Vehicles Act, 1988 ('***MV Act***'). Petitioners'/claimants' evidence was closed on 25th April 2023 and the respondents' evidence was closed on 19th December 2023. Thereafter, final arguments commenced on 30th April 2024.

3. On 05th August 2024, MACT granted respondent/Insurance Company four weeks for leading evidence. Respondent/Insurance Company was further permitted to amend its written statement, upon filing an application which was allowed by order dated 10th September 2024. Recording of evidence by the respondent/Insurance Company continued for some time. As part of the evidence led by respondent/Insurance Company, Inspector *Ashok Kumar* posted at P.S. Surajpur, District Gautam Budh Nagar, U.P. ('***R3W1***') who was the Investigating Officer ('***IO***') in the FIR was examined. He was posed a series of questions by the MACT on 17th October 2025 and 31st January 2026.

4. These questions focused on how the offending vehicle was identified as part of the investigation. R3W1 in his response stated that the same had been provided by *Mr. Abraham Peter* at the time of registration of the FIR. MACT then inquired as to how *Mr. Abraham Peter* came to know about the registration number of offending vehicle to which, only speculative answers were given by R3W1, mostly stating that he had no clear information regarding the same. Thereafter, MACT posed questions relating to the investigation, *inter alia*, on materials and evidence on the basis that the offending vehicle driven by *Lakhan Pal*, was involved.

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5. Considering that respondent/Insurance Company had propped up an allegation regarding false implication at the stage of final arguments and further, evidence of R3W1 seemed to be inconclusive in this regard, petitioners/claimants had moved an application for leading additional evidence of *Mr. Abraham Peter*, brother of deceased and informant of the FIR, *Mr. Kapil Dhaka* and *Mr. Ajay*, who were colleagues of the deceased and had reached the accident site and had also assisted in taking the deceased to the hospital. It was stated that these testimonies would be relevant as far as the identification of offending vehicle was concerned.

6. On 14th March 2026, MACT dismissed the application for reopening evidence, observing that petitioners/claimants were attempting to fill up *lacuna* to the prejudice of respondent/Insurance Company.

7. *Ms. Sethia*, argues that there was a material change in the position taken by the respondent/Insurance Company, having been allowed to amend its written statement and lead additional evidence, and thereafter, it was only in the interest of justice that petitioners/claimants, who were the legal representatives of deceased, be allowed to lead evidence of the person at whose behest the FIR had been registered and two other witnesses, who had reached the site of accident and carried the deceased to the hospital.

8. Another application was moved for conducting an inquiry/verification, examination of certain witnesses, and production/preservation of electronic and documentary evidence by petitioners/claimants, which was also dismissed on 14th September 2026.

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9. After this dismissal, yet another application was moved to refer the matter to the Uttar Pradesh SIT for a fair and independent investigation, in case the MACT had a doubt in relation to the involvement of offending vehicle. This application was dismissed on 03rd October 2026, imposing costs of Rs.25,000/- on petitioners/claimants.

10. Somehow, the MACT seems to have taken a rather constricted view of the matter foreclosing the right of petitioners/claimants to lead their best evidence. It is needless to say that the procedure before MACT is not of a trial but of an inquiry and, therefore, MACT has the ability to allow the best evidence to come before it in order to reach a conclusion on the issue of negligence regarding the offending vehicle.

11. Considering that respondent/Insurance Company was allowed to amend their written statement and place the evidence of *R3W1*, which had elicited a vague response, the petitioners/claimants ought to be allowed to place their evidence on record.

12. In the opinion of this Court, no prejudice would be caused, considering that proceedings before MACT are triggered by the claimants themselves, who are seeking compensation for the death of their family member and therefore, seriously aggrieved, and have approached the courts for justice, seeking relief in accordance with law.

13. Inquiry proceedings before MACT, under the beneficial legislation of MV Act, ought to be treated like a plasticine which can be moulded to the best effect, to consider the claimants case in true earnest, while not being unduly stern to the claimant, particularly, when the final arguments are still

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to be heard. There is unnecessary sternness expressed not only in all the three orders passed by the MACT, impugned herein, as also the imposition of costs, that too for a *bona fide* application moved by petitioners/claimants, seeking an investigation by the SIT in the matter.

14. The MACT ought to have considered that the claimant was only seeking an investigation by an independent agency in order that the truth would come to light, which could potentially also be adverse to petitioners/claimants themselves. To dismiss the said application with costs, is not merited.

15. Accordingly, the said three impugned orders dated 14th March 2026, 14th September 2026 and 03rd October 2026 are set aside.

16. MACT will allow petitioners/claimants to place the evidence of *Mr. Abraham Peter*, *Mr. Kapil Dhaka* and *Mr. Ajay*, who will be entitled to be cross-examined by respondents.

17. *Mr. Sameer Nadwani*, counsel for respondent/Insurance Company, is present on advance notice and objects to the plea made by petitioners/claimants challenging the impugned orders, stating that the said orders were necessitated since the MACT proceedings were at the final stage.

18. However, the reasons informing the Court's view have been stated above. It is in the interest of justice that this plea ought to be allowed and the impugned orders be set aside.

19. Accordingly, petition stands disposed of with above directions.

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20. Copy of this order be given *dasti* under the signature of the Court Master.

21. Copy of this order be sent to the concerned MACT for information and necessary compliance.

22. Pending applications are rendered infructuous.

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

ANISH DAYAL, J

OCTOBER 27, 2026/ak/*sp*

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