$~R-1

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

\+ MAC.APP. 618/2013

THE NEW INDIA ASSURANCE CO. LTD. .....Appellant

Through: Mr. JPN Shahi, Advocate.

versus

ROHIT SHARMA & ORS .....Respondent

Through: Mr. Kunal Rana, Advocate (*through VC*)

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

<u>O R D E R</u>

% **09.04.2026**

1. This appeal has been filed by the Insurance Company assailing the impugned award dated 16th May 2013, passed by the Motor Accidents Claims Tribunal, Karkardooma Courts ('***MACT/Tribunal***'), awarding compensation of *Rs. 14,60,022/-* to the claimant with interest @ *7.5%* per annum from the date of filing of the petition.

2. The accident occurred on 19th November 2010, claimant was coming from ITO on his motorcycle, and when he reached the SDM Office, Geeta Colony, he was hit by another motorcycle, bearing no. *DL-7S-AJ-6131*, (*Bajaj Pulsar*), driven by respondent no. 2, in a rash and negligent manner.

3. The Insurance Company challenges the award on the basis that the insurance policy was issued in the name of one *Bhuvnish Kumar*, who was not made a party to the proceeding.

4. The MACT dealt with this issue in *paragraph 34* of the impugned award and observed that since the offending vehicle was admittedly insured

with the appellant/ Insurance Company and no evidence to the contrary was led by the driver or the owner, there was no reason to disbelieve the claimant's testimony, and therefore, the driver and the owner were jointly liable, but the Insurance Company was held liable to indemnify.

5. No argument has been pressed by the Insurance Company to controvert this issue while arguing the appeal.

6. It is further noted that the split between the registered owner (as per the Registration certificate), *Rajender* (respondent no.3), who was apparently the transferor of the offending vehicle, which was finally insured by *Bhuvnish Kumar*, the transferee, would not exonerate the insurance company of their liability regarding any accident that has taken place on account of the offending vehicle.

7. Compensation has been deposited before the Registrar General of this Court by virtue of an order dated 16th July 2013, where *80%* of the awarded amount was to be released.

8. Since the matter has now been pending for the last 13 years, it is directed that the entire amount be released to the claimant by the UCO Bank, Delhi High Court Branch, New Delhi, with accrued interest.

9. Accordingly, the appeal stands dismissed.

10. Statutory deposit (if any) be returned to the Insurance Company.

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

ANISH DAYAL, J

APRIL 9, 2026/RK/bp