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

+ **MAC.APP. 629/2018**

SARLA & ORS

.....Appellants

Through:

versus

OMBIR & ORS (M/S THE MAGMA HDI , GEN.
INSURANCE CO LTD)

.....Respondents

Through:

+ **MAC.APP. 502/2019, CM APPL. 19825/2019 & CM APPL.
53721/2019**

M/S CHEMI TECH ENGINEER PVT LTD

.....Appellant

Through:

versus

SARLA & ORS (MAGMA HDI GENERAL INSURANCE CO
LTD)

.....Respondents

Through:

Appearances:

Mr. Ved Vyas Tripathi, Mr. Vaibhav Verma, Advocates for R-5
item No. 11 and for R-6 in item 12.

Mr. Umesh Chandra Mishra, Advocate for appellant in item No. 11
and for R-1 in item 12.

Ms. Tina Garg, M. K. Ghosh Advocates for M/s Chemitech ltd, R-2 in
item no. 11 and petitioner in item 12.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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27.02.2026

1. The **MAC.APP. 629/2018** has been filed by claimant, the
mother of the deceased, who had passed away in the accident on 16th
March 2018. The Motor Accidents Claims Tribunal (**MACT**) had



allowed the claim petition, being *MACT No. 14338/2015*, and awarded compensation of *Rs. 16,08,160/-* along with interest of 9% per annum.

2. Claimant seeks enhancement of compensation on the basis that the benchmark income assessed for the purposes of calculating the loss of dependency, was inaccurate, considering that evidence had been placed on record, original appointment letter and Pay Slip of the deceased exhibited as **PW-1/5**, showing that he was working at *Rohan Motors* at *Greater Noida* and was earning salary of *Rs. 22,510/-*.

3. Said document was produced by **PW-1**, appellant *herein*; however, no employer from *Rohan Motors* was produced to prove the said documents, and the MACT considered only the minimum wages, applicable to a graduate on the date of the accident, i.e. *Rs. 11,310/-* per month.

4. The Court has perused the **Exhibit PW-1/5** and finds that there may be merit in the claimant being given an opportunity to furnish evidence of the employer to prove the said document, which counsel for appellant, states was filed in original before the MACT.

5. Accordingly, it would be apposite that the matter is remanded back to provide the opportunity for the claimant to lead evidence to prove the salary that was being received by the deceased.

6. **MAC.APP. 502/2019**, has been filed by the alleged owner of the offending vehicle, which was an Escorts JCB, stating that they were never served notice to appear before the MACT and, therefore, were proceeded *ex parte* and liability was fastened upon them.

7. *Ms. Tina Garg*, who appears on behalf of appellant/ Company, states that a copy of the insurance policy had been provided as part of



the MACT proceedings; however, validity of the insurance policy on the date of the accident was contested by the Insurance Company and, therefore, Insurance Company was exonerated, whereas appellant/Company did not get an opportunity to examine witnesses in that regard.

8. *Ms. Tina Garg*, further states that the actual owner was stated to be *Mr. Satish Chand*, based on application, moved by the claimant on 18th January 2016 to furnish address of the owner of the vehicle, which is extracted as under:

Sh Satish Chand
59 A, Bhim Nagar,
Vijay Nagar Bye Pass,
Ghaziabad, U.P.

9. Moreover, she states that previously, pursuant to this notice, *Mr. Satish Chand*, appeared on 04th July 2016; however, there was no further appearance, as noted by order dated 15th September 2016. On this basis, appellant/Company, was considered as the owner of the vehicle, and, therefore, liability was fastened upon them.

10. In these circumstances, since the matter is to be remanded back, it would be apposite, if appellant/Company is also given an opportunity to place their arguments and lead evidence in respect of the ownership of the offending vehicle.

11. Opportunity to the appellant/Company shall be subject to their depositing the principal amount of Rs. 16,00,000/- towards compensation before the MACT within a period of six weeks.

12. An amount of Rs. 5,00,000/- shall be released from this deposit



to the claimant so that they get some reparation is provided for the fatality that has occurred. This amount shall be subject to further orders of the Court.

13. MACT shall determine the issues in terms of this remand order with respect to para 5 and 10 of this order, within a period of six weeks and reassess the issue of liability and recompute the compensation, if so required depending on the fresh evidence led.

14. Needless to say, Insurance Company shall be entitled to place its arguments and rebut the pleas of the appellant/Company.

15. List before the MACT on 16th March 2026.

16. Considering these are appeals are of 2018, none of the counsels for parties shall seek an adjournment before the MACT in this regard so that the matter may be concluded.

17. Evidence shall be lead before the MACT itself.

18. These appeals stand disposed of.

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

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

ANISH DAYAL, J

FEBRUARY 27, 2026/RK/tk