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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 1029/2013**
ASHISH BANSALAppellant

Through: Mr. Navneet Goyal, Adv.

versus

AKASHDEEP GARG & ORSRespondent
Through: Ms. Suman Bagga and Ms. Mouli
Sharma, Advs. for R-2/Insurance
Company.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **20.05.2026**

1. This appeal has been filed assailing the impugned judgment dated 30th August 2013, whereby, the claim petition filed by appellant/claimant was dismissed by Motor Accidents Claims Tribunal, Rohini Courts, Delhi [**'MACT/Tribunal'**] in MACT No. 147/09/13.
2. The accident in question occurred on 08th July 2009, when appellant/claimant was travelling as a pillion rider after having taken a lift on a motorcycle driven by respondent no.1, from Sikandrabad to Delhi. In his evidence, appellant/claimant stated that the accident was caused due to the rash and negligent driving of the motorcycle by respondent no. 1/driver, as a result of which he had sustained injuries. According to him, the motorcycle had hit a truck tyre which was lying on the road and due to the impact, he fell down and sustained grievous and other injuries all over his body.



3. MACT dismissed the claim on the ground that no proof of negligence had been established by appellant/claimant.
4. *Mr. Navneet Goyal*, counsel for appellant, in support of the appeal, points out that the testimony of appellant/claimant ought to have been considered by the MACT.
5. However, there are some issues, which militate against this appeal being allowed.
6. **Firstly**, the testimony of respondent no.1/driver of the motorcycle, examined as **R2W2** has to be noted. He stated that he had given a lift to appellant/claimant and when he reached near Ghaziabad, one piglet appeared in front of the motorcycle and in order to save the piglet, he took a left turn, when a tyre of a truck, which happened to be parked on the left side, was lying on the road and his motorcycle collided with it and he slipped. He fell on the truck tyre; therefore, he did not receive serious injuries. However, the pillion rider i.e. appellant/claimant sustained grievous injuries.
7. **R2W2** further stated that he stopped an autorickshaw and went to the hospital with appellant/claimant for his treatment, after which he was referred to Yashoda Hospital. He took out a card from the appellant's/claimant's pocket and informed his father about the injured being treated at Yashoda Hospital. Despite being given an opportunity by the MACT, **R2W2** was not cross examined by the appellant/claimant.
8. In the opinion of the Court, if the appellant/claimant had a chance to rebut the testimony of **R2W2**, regarding the involvement of the piglet and the unavoidable circumstances which caused the accident, he should have availed the opportunity at that stage.
9. **Secondly**, the statement which was given to the police by



appellant/claimant, exhibited at **Ex.R2W1/1** has to be considered.

10. The Court has perused the said statement, which has been signed by appellant/claimant, and states that respondent no.1/driver of the motorcycle slipped, due to which he suffered injuries, the motorcycle suddenly fell down and “*his friend was not to blame for it*”.

11. However, *Mr. Navneet Goyal*, counsel for appellant, contends that the appellant/claimant stated in his testimony (**PW1**) that the police officials took his signature on blank papers on the pretext of completing formalities and he was told that they would register a case against respondent no. 1/driver, who was present at that time.

12. Even otherwise, considering that the testimony of **R2W2** was not rebutted, on a preponderance of probability, it would be assumed that there was indeed an intervention on the road by a piglet crossing the road and no matter how careful any motorcycle driver would be, it is not difficult to visualize that it would be near impossible for a motorcycle driver to suddenly manage an intervention by a running animal on the road, even if he is riding on medium speed.

13. Moreover, the second unfortunate unexpected circumstance which occurred was the truck tyre lying on the road, which resulted in the motorcycle tipping over. Negligence in this regard cannot be attributed to respondent no.1/driver, since no one in a rational state of mind would be driving and intentionally colliding with a truck tyre lying next to a stationary truck parked on the road.

14. Moreover, the other circumstances surrounding the incident, including, the statement recorded by the police, no registration of an FIR and no protest being filed by appellant/claimant in that regard will have to be considered in



the facts and circumstances of the case.

15. Therefore, the appeal of appellant/claimant is not sustainable.
16. Accordingly, the appeal stands dismissed.
17. Pending applications, if any, are rendered infructuous.
18. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MAY 20, 2026/MK/sp