



2026:DHC:1639



\$~87 & 88

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

% *Date of decision: 24th February 2026*

(87)

+ **MAC.APP. 1024/2018 & CM APPL. 48308/2018, CM APPL. 48310/2018**

M/S SURJEET AUTOMOBILES

.....Appellant

Through: Mr. Pradeep Dhingra, Mr. Nishant Kumar, Ms. Shalini Dhingra, Advocates.

versus

UMESH & ORS

.....Respondents

Through: None.

(88)

+ **MAC.APP. 1064/2018 & CM APPL. 49931/2018, CM APPL. 1491/2023**

M/S SURJEET AUTOMOBILES

.....Appellant

Through: Mr. Pradeep Dhingra, Mr. Nishant Kumar, Ms. Shalini Dhingra, Advocates.

versus

UMESH & ORS

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J (ORAL)

1. This appeal has been preferred by *M/s Surjeet Automobiles*

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through its proprietor [*appellant herein*], assailing the award dated 10th July 2015, passed by the Motor Accidents Claims Tribunal, North East, Karardooma Courts (*‘MACT’*) in ***DAR No. 320/2010*** titled as “***Nadeem & Anr. v. Umesh & Ors***”.

2. *Mr. Pradeep Dhingra*, counsel appearing on behalf of appellant, states that MACT proceeded on an erroneous basis by impleading appellant/*M/s Surjeet Automobiles* as the owner of the vehicle, arrayed as respondent no.2 before the MACT.

3. On 17th May 2013, the MACT recorded that respondent no.2 was proceeded *ex parte*, whereas the Investigating Officer [*IO*] reported that respondent no.3/registered owner was not traceable.

4. Aside from that, in *paragraph 9* of the impugned order, it is mentioned that appellant [*respondent no.2 before the MACT*], was the owner of the offending vehicle and had not participated in the trial despite service and was held as jointly liable to pay compensation along with respondent no.1, who was the driver.

5. *Mr. Dhingra* contends that Registration Certificate, appended as **Annexure-A6** to this appeal and forming part of the Trial Court Record [*TCR*] at *page 130*, shows that the name of the registered owner was *Sanjay Kumar*; the financier details were mentioned as *Sanjay Finance*; and the proprietor of the appellant is *Sanjay Narula*.

6. On this basis, it was assumed that financier was owner of the vehicle and was proceeded against.

7. He further states that the loan was prepaid in year 2000 itself and



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an No Objection Certificate [“**NOC**”] had already been issued by the financier/appellant, and, therefore, in any case, no liability can be fastened upon them.

8. A copy of the NOC has been placed on record, which the Court has perused. As per the said documents, *Sanjay Finance Company* through its proprietor has stated that it has received the dues regarding vehicle no. ‘DL-ILD-5510’ from *Sanjay Kumar* and has no objection if the entries regarding hypothecation are cancelled in the Registration Certificate. The NOC dated 3rd April 2003 is extracted below for ready reference:

To,
THE REGISTERING AUTHORITY DELHI

SANJAY FINANCE CO
B3 HATHI KHANA AZAD MARKET,
DELHI

SUB. : CANCELLATION OF H.P.A.

I/We have received the dues regarding Vehicle No. DL-ILD-5510
from my hirer Shri SANJAY KUMAR

.....

In full & I/We have No-Objection if the entries regarding H.P.A. are cancelled
in the RC and oblige.

SANJAY FINANCE CO
Yours faithfully
Proprietor

Dated 3/4/2003

9. Registration details have also been provided by the appellant, which show that the owner of vehicle is *Sanjay Kumar* and that no hypothecation exists in the name of *Sanjay Finance Company* or *M/s Surjeet Automobiles*, which is also extracted herein:

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**REGISTERED VEHICLE DETAILS**

Registration No: DL1LD5510			Back
☒ Contact Details		☒ My Tax	
☒ Insurance		☒ DE-REGISTERED	
Owner Details	DSC History	Vehicle Details	
Hypothecation/Insurance Information		Fitness Details	RC Print Details
Vehicle History Details		Tax Clearance Certificate	Challan Details
Certificate of Deposit(COD) Details of Vehicle			
Registration No: DL1LD5510 State Delhi Office RAJPUR ROAD/VIU BURARI			
Owner Information			
Registration Type	Purchase/Delivery Date	Registration Date	
NEW	08-Mar-2000	08-Mar-2000	
Owner Name	Son/Wife/Daughter of	Ownership Type	
SANJAY KUMAR	AMAR SINGH	INDIVIDUAL	
Ownership Serial	Registration Valid Upto	Fitness Valid Upto	
2	02-Mar-2010	02-Mar-2010	
Owner Identification/Contacts Details			
Please Enter Valid Mobile No because It is Used for Sending Essential Information and Getting Feedback of the Service from Owner			
Owner Category *	Mobile No *	Email ID	
OTHERS	0		
PAN No	Aadhaar No	Passport No	
Ration Card No	Voter ID	DL/L No	
Current Address		Permanent Address	
House No. & Street	Village/Town/City	House No. & Street	Village/Town/City
Name	SHAHDARA GNC	Name	SHAHDARA GNC
HNO.858 NEW M		HNO.858 NEW M	
Landmark/Police	State	Landmark/Police	State
Station	Delhi	Station	Delhi
DELHI		DELHI	
District	Pin	District	Pin
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10. Further, the receipt, signed by *Sanjay Kumar* on 3rd April 2003 states that an NOC has been obtained from *Sanjay Finance Company*. Same is also extracted as under:



11. In this regard, **Form 35**, which is a notice for termination of an agreement of hire purchase/lease/hypothecation, dated 3rd April 2003, signed by the proprietor of the *Sanjay Finance Company*, has also been placed on record.

12. *Mr. Dhingra* draws attention to the fact that the DAR mentioned the name of the owner of vehicle as *Sanjay Kumar* and nowhere *Sanjay Finance Company*, or *M/s Surjeet Automobiles*, or *Mr. Sanjay Narula (the proprietor)* were mentioned. The same was the position in the police report.

13. It appears that the MACT issued notice to *M/s Surjeet Automobiles*



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of which the proprietor is *Mr. Sanjay Narula*, who also runs *Sanjay Finance Company*, basis the statement made by the driver of the offending vehicle on 23rd October 2010. The Investigating Officer [IO] was then directed to produce the actual owner of the offending vehicle. On 25th May 2011, the Investigating Officer [IO] stated that *Sanjay Kumar* was the registered owner of the offending vehicle, though his address was not traceable. The driver stated that he had taken the vehicle from *M/s Surjeet Automobiles* to drive the same. Accordingly, *M/s Surjeet Automobiles* and *Sanjay Kumar* were impleaded as respondent nos.2 and 3 respectively.

14. Counsel appeared on behalf of *M/s Surjeet Automobiles* and made the statement that they were not the owners of the offending vehicle; however, they were proceeded *ex parte* by order dated 23rd December 2011. Issues were framed on 16th March 2012. Issues were only restricted to whether the deceased died due to injuries sustained in a motor accident caused by the rash and negligent driving of vehicle no. “*DL-1LD-5510*” by respondent *Umesh* and whether claimants were entitled to compensation; if so, to what amount and from whom.

15. Thereafter, on 6th November 2012, a statement was made by *Mr. Deepak Chaudhary*, who was working as a ‘Sales Manager’ with respondent no.2, stating that respondent no.2/*M/s Surjeet Automobiles* was a partnership firm of *Mr. Man Mohan Singh* and *Mr. Sanjay Narula* and that *Mr. Sanjay Narula* was residing at *Shalimar Bagh, Delhi*; however, he was not in a position to present the details. Directions for the



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appearance of *Mr. Sanjay Narula* were given on the same day. Thereafter, attempts were made for respondent no.2 to appear, but on 17th May 2013, respondent no.2 was proceeded *ex parte*.

Analysis

16. In conspectus of the above facts, it appears that the hypothecation of the vehicle had been removed on 3rd April 2003 and, therefore, on the date of the accident i.e. 17th July 2010, there was no role of *Sanjay Finance Company* or, in fact, *M/s Surjeet Automobiles*.

17. *Mr. Pradeep Dhingra*, counsel for appellant/*M/s Surjeet Automobiles*, states on instructions that *M/s Surjeet Automobiles* is a sole proprietorship of *Mr. Sanjay Narula* and only their sticker was affixed on the car since there had been a previous hypothecation; the MACT simply roped in *M/s Surjeet Automobiles* as the owner of the vehicle [respondent no.2], basis the bare statement of the driver.

18. Clearly, it appears that the MACT has been amiss in considering *M/s Surjeet Automobiles* as the owner of the vehicle without any material being placed on record substantiating the same. The MACT also recorded in *paragraph 2* of the impugned award that respondent no.3/*Sanjay Kumar* is the registered owner of the vehicle and that his address is not traceable. In view of the same, fastening liability on *M/s Surjeet Automobiles/Sanjay Narula* cannot be sustained and, therefore, the matter is being remanded back to the MACT to consider these aspects.

19. In this view of the matter, it would be necessary to secure the



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presence of *Mr. Sanjay Kumar* [registered owner of the vehicle] and that of *Mr. Umesh* [driver]. Despite repeated attempts to locate the address of respondent no.2/*Mr. Sanjay Kumar*, he has not been served. Substituted service was effected by publication in the newspaper.

20. Considering that **FIR No.130/2010** was registered at Police Station *Welcome* for the offences under Sections 279/337/304A and 427 of Indian Penal Code 1860 [IPC] against the driver of the offending vehicle, it would be apposite to explore that route to find out as to whether anybody is appearing in the criminal proceedings which may be pending before the Trial Courts.

21. The MACT may call the Investigating Officer [**IO**] so that he can apprise the Court of the status of the criminal proceedings and whether any parties have been appearing in the said proceedings.

22. For aforesaid reasons, this Court deems it apposite to direct that the matter be remanded back to the MACT for proper determination taking into account on the circumstances as pleaded by the parties, requisitioning further documentation as may be necessary, or witnesses, if so required.

23. List the matter before the MACT on 18th March 2026.

24. The MACT shall examine the matter within a period of six months from 18th March 2026.

25. The amount which has been deposited by the appellant before this Court, pursuant to order dated 20th November 2018, will be retained for the time being, subject to further orders of the Court.



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26. Though the Court has already recorded its observations regarding *Sanjay Narula/ Sanjay Finance Company*, subsequent to the further proceedings before the MACT, liberty shall be granted to the appellant to withdraw the amounts from this Court along with accrued interest.
27. Accordingly, the appeals stand disposed of.
28. Pending applications, if any, are rendered infructuous.
29. Statutory deposit (if any) shall be returned to the appellant.
30. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
(JUDGE)**

FEBRUARY 24, 2026/ak/tk

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