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

\# **CNR No. DLHC014766012017**

\+ MAC.APP. 960/2017

NANAK CHAND & ANR .....Appellants

Through: Mr. Arun Sharma, Advocate.

versus

SUSHEEL KUMAR & ORS .....Respondents

Through: Mr. Pradeep Gaur, Mr. Amit Gaur, Advocates for respondent no.3.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 19.11.2026

1. This appeal has been filed by appellant/claimant against award dated 09th August 2017, passed by the Motor Accident Claims Tribunal, Karkardooma Courts, Delhi ['***MACT/Tribunal***'] in *MACT Nos. 14941/2015* and *14942/2015*, whereby the claim petition filed by the appellant/claimant was dismissed ['***impugned award***'].

2. The claim petition was filed in respect of two fatalities, one of *Gaurav*, who was driving the motorcycle bearing registration No. *UP-16AC-3997* and other of the pillion rider, *Prince Kumar Gautam*, in an accident which occurred on 26th April 2013, near D.P.S. Chowk, Salarpur within the jurisdiction of P.S. Noida, Sector 39. It was alleged that they were hit by a dumper, allegedly being driven rashly and negligently by respondent no.1. *FIR No. 273/2013* was registered and a charge-sheet was subsequently filed.

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3. *Mr. Arun Sharma*, counsel for claimants/legal representative of the deceased, has drawn the attention of this Court to the impugned order. It is quite apparent that, in the impugned order, no reason has been given for rejection of the claim petition. It has been merely stated, on the basis of assumptions, that the accident took place due to the rash and negligent driving of the motorcycle rider, namely *Gaurav*.

4. Considering that both the persons i.e. *Gaurav* and *Prince Kumar Gautam* had passed away, there was no eyewitness for the said accident. The driver and the owner filed a written statement before the MACT but did not enter the witness box. **PW-2,** *Mr. Raj Pal Singh*, who was stated to be an eyewitness, was considered untrustworthy, considering that he was not able to sustain his testimony in the cross-examination.

5. However, the MACT failed to consider that the filing of a charge sheet would have persuasive value and whether the aspects deposed to by **PW-2/***Mr. Raj Pal Singh* in his testimony before the MACT could be corroborated by the Criminal Court record, particularly since no other material was available before the MACT for the purposes of its enquiry. The question of whether the deceased/*Gaurav* was a minor is also in dispute, as the records relied upon by the counsel for claimants, indicate that he was above *18 years* of age. In any event, it would be difficult to arrive at a finding that *Gaurav* was driving in a rash and negligent manner, particularly since no evidence has been led by the driver/owner either.

6. In this view of the matter, the impugned order is set aside.

7. The matter is remanded back to the MACT to be considered afresh and requisition the Criminal Court record in order to assess the testimonies placed

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before the Criminal Court. This is required considering that there is no other evidence which would help the MACT to assess the issue of negligence.

8. The testimonies of **PW-1/***Sunita* and **PW-2/***Mr. Raj Pal Singh***,** as recorded, would also be considered afresh by the MACT.

9. The MACT is also directed to consider the impact of the decision of the Supreme Court in ***Ranjeet v. Abdul Kayam Neb***, 2025 SCC OnLine SC 497, on the facts and circumstance in the present case.

10. List before the MACT on 17th December 2026.

11. Considering that this matter pertains to an accident which occurred in the year 2013, the MACT may complete its fresh examination within a period of *six months* and, thereafter, and render a decision before 30th June 2027.

12. All contentions are left open to counsels for the parties.

13. Appeal stands disposed.

14. Pending applications, if any, are rendered infructuous.

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

ANISH DAYAL, J

NOVEMBER 19, 2026/ak/ya

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