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

\# **CNR No. DLHC015316632017**

\+ MAC.APP. 1108/2017

SHAKUNTAL RAWAT & ORS .....Appellant

Through: Mr. Om Prakash Gupta, Advocate.

versus

VOGALIYA RAM & ORS & (RELIANCE GENERAL INSURANCE C LTD) .....Respondents

Through: Mr. Rajeev M. Roy, Mr. P. Srinivasan, Advocates for Respondent no.3/Insurance Company.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 19.11.2026

1. This appeal has been filed assailing impugned order dated 18th September 2017, passed by the Motor Accident Claims Tribunal, Shahdara, Karkardooma Courts ['***MACT/Tribunal***'], in *MAC No. 14/2015*, whereby claim petition filed by the claimants was dismissed ['***impugned orders***'].

2. The accident had occurred on 13th December 2014, wherein it was alleged that the offending vehicle, i.e. a truck had hit the deceased from behind. *FIR No. 1567/2014* was registered at P.S. Sahibabad and a chargesheet had been subsequently filed.

3. The deceased, *Manveer Singh Rawat*, was *40 years* of age at the time of the accident and was engaged in a private job. It was stated that the deceased was walking towards his place of work/duty; when he reached near

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Shani Mandir, *Sahibabad*, U.P., the offending vehicle bearing registration no. *HP-12D-6355*, being driven by respondent no. 1, *Vogaliya Ram*, came from behind and hit him.

4. The MACT dismissed the claim petition, disbelieving the testimony of **PW5/***Vanshi*, who was produced by the appellants/claimants, as an eyewitness.

5. The Court has perused the assessment made by the MACT in respect of the testimony of **PW5/***Vanshi* and heard the arguments of *Mr. Rajeev M. Roy*, counsel for the Insurance Company.

6. However, *Mr. Om Prakash Gupta*, counsel for appellants/claimants, has drawn the attention of this Court to the following aspects:

i. ***Firstly***, that the FIR resulted in a chargesheet being filed, and;

ii. ***Secondly***, that the site plan filed by the police notes that the accident had occurred on the left side of the road, in front of *Shani Mandir*, where the deceased was walking and, therefore, there was no reason as to why any negligence ought to be attributed to the deceased in this regard.

7. In response thereto, *Mr. Rajeev M. Roy*, counsel for the Insurance Company, pointed out to the testimony of **PW2**, the Investigating Officer, who stated that the site plan was prepared on the basis of the testimony of **PW1**, *Shakuntala Rawat*, wife of the deceased. On this basis, he contends that the same would have no bearing.

8. It is a settled position of law that the issue of negligence is required to be examined on the basis of the '*preponderance of probability*'. Accordingly, the fact that a chargesheet had been filed ought to have been taken into account by the MACT, particularly in view of the principles

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enunciated by the Supreme Court in ***Ranjeet v. Abdul Kayam Neb***, 2025 SCC OnLine SC 497. Additionally, considering that no other eyewitness was available, the evidence of the driver and owner, at best, ought to have been considered to reject the claim petition.

9. In the written statement, the driver and owner stated that they saw an injured person on the roadside and took him to the hospital, after which, they were falsely implicated in the case. However, this averment of the driver and the owner is completely defeated by the MLC, which notes the persons who brought the deceased to the hospital as *Dhruv* and *Raj Kumar*, along with their phone numbers. The MLC also notes that there was allegation of a road traffic accident, on 13th December 2014 at 07:30 a.m., which occurred on the *Uttar Pradesh* border. It further notes that the deceased/*Manveer Singh Rawat* was conscious and oriented and had made the statement himself.

10. Therefore, rather than dismissing the claim petition merely because testimony of **PW5/***Vanshi* did not appear to be credible, the MACT ought to have made at least an iota of assessment in this regard. Furthermore, even if the testimony of **PW5/***Vanshi* is kept aside, the matter ought to have been considered on the basis of the fact that a person, who was walking on the road, was hit by the offending vehicle as per his claim, as per what was reported to the hospital and as recorded by the MLC. Thereafter, FIR was registered on the same day, at about 03:30 in the afternoon on the basis of information, which was received at 01:30 in the afternoon from his wife, where the vehicle was identified.

11. Accordingly, the appeal is allowed. The matter is remanded back to the MACT to be considered afresh, in accordance with law.

12. Parties shall be entitled to lead further evidence before the MACT as

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also the opposing party shall be entitled to cross-examine the witnesses.

13. Considering that the accident occurred way back in 2014, the MACT is directed to complete this assessment within a period of six months, on or before 30th June 2027.

14. Copy of the order be sent to the concerned MACT for information and necessary compliance.

15. List before the MACT on 15th December 2026.

16. Accordingly, the appeal is disposed of.

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

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

ANISH DAYAL, J

NOVEMBER 19, 2026/MK/ya

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