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

+ **MAC.APP. 109/2025**

KAPIL GARG

.....Appellant

Through: Ms. Deepa Chacko and
Ms. Reniyam Takam,
Advocates.

versus

ARCHANA KUMARI & ORS.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **10.02.2025**

CM APPL. 7687/2025 (for condonation of delay 48 days in filing the present appeal)

1. By way of this application, the applicant seeks condonation of delay of 48 days in filing the present appeal.
2. For the reasons mentioned in the application, the same is allowed. The delay of 48 days in filing the present appeal stands condoned.
3. The application stands disposed of.

CM APPL. 7689/2025 (Exemption)

4. Exemption allowed, subject to all just exceptions.
5. The application stands disposed of.

MAC.APP. 109/2025 & CM APPL. 7688/2025 (Stay)

6. By way of the present appeal, the appellant challenges the award dated 04.09.2024 (hereafter '**impugned award**') passed by learned Presiding Officer, Motor Accident Claims Tribunal, Patiala House Courts, New Delhi, ('**Tribunal**') to the extent that the insurance company has been given a right to recover the compensation from the appellant/owner of the offending vehicle.
7. The learned Tribunal granted a right to recover the



compensation amount from the appellant on two grounds:

- a) There is a suppression of material facts on part of the owner of the offending vehicle in regard to the issuance of insurance policy.
- b) The offending vehicle was permitted to ply only in Haryana, whereas the accident happened in Delhi, and therefore the vehicle was being driven without a valid permit.

8. The learned counsel for the appellant submits that the vehicle was taken for some repair work at Roshanara Road, Delhi and therefore in terms of Section 66(3) of The Motor Vehicles Act 1988, no valid permit was required.

9. She further submits that the appellant had categorically deposed that the vehicle was being taken to the workshop at Roshanara Road and the insurance company also in the cross-examination was not able to establish that the vehicle was being driven without a permit.

10. Issue notice to the respondents through all permissible modes, returnable on 18.07.2025.

11. Subject to the appellant depositing 50% of the compensation amount before the Registrar General of this Court within a period of four weeks, the operation of the impugned award shall remain stayed till the next date of hearing.

12. The amount so deposited by the appellant shall be invested in an interest-bearing FDR in an auto renewal mode.

13. The statutory amount is directed to be deposited by the appellant within a period of one week from today.

AMIT MAHAJAN, J

FEBRUARY 10, 2025/DU