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

+ **MAC.APP. 147/2026**

THE ORIENTAL INSURANCE CO LTDAppellant

Through: Mr. A K Soni, Adv.

versus

ASHOK KUMAR & ANR.Respondents

Through: yet to be served.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **23.02.2026**

CM APPL. 11809/2026

1. Exemption allowed, subject to all just exceptions.
2. Application stands disposed of.

CM APPL. 12247/2026

1. These applications seek condonation of 17 days' delay in filing the appeal.
2. In facts and circumstances as narrated in the application, same is allowed.
3. Delay stands condoned.
4. Applications stand disposed of.

MAC.APP. 147/2026 & CM APPL. 11810/2026

1. This appeal has been filed by appellant-Insurance Company assailing impugned judgment and award dated 14th October 2025, passed by the Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi in



MACT No.630/2023, wherein an amount of Rs.14,93,469/- along with interest @9% per annum was awarded to respondent no.1/injured-claimant.

2. On 13th March 2023 at about 01.30 P.M. the respondent No.1/Ashok Kumar, along with his brother and friend, were on their way to *Rampura* to attend last rites of their friend's father. When they reached near *Nangia Park*, a motorcycle No. DL-6SBA-8231 (offending vehicle), which was being driven by Anuj Kumar Goel, respondent No.2 came from front side and hit with great force. As a result of which the respondent No.1 sustained grievous injuries and got fracture in his leg and knee.

3. *Mr. A K Soni*, counsel for appellant-Insurance Company, states that MACT has erred in finding that accident happened due to rash and negligent driving of respondent no.2. Respondent no.2 was examined as **R1W1** and had placed on record several documents, as evident from *paragraph 6* of the impugned award. The documents include *photographs, CCTV videography of incident, coloured photographs of sequence of events, copy of complaint to the Commissioner of Police, copy of medical treatment, photos of bike etc.*; however, none of these has been considered by the Tribunal.

4. As per appellant's counsel, the Tribunal only relied on statement of injured/**PW1** and on the basis that respondent no.2 had already been charge-sheeted, it was concluded that the accident occurred due to negligence of respondent no.2.

5. On steps being taken by appellant, notice be issued to respondent no.1, through all permissible modes.

6. Trial Court Record be also requisitioned and placed on record. Digital copy of the same be supplied to the counsels for the parties, if so requested.

7. *Mr. Soni* has questioned quantum of compensation awarded basis the assessment of percentage of loss of earning capacity at 25%, despite disability



being assessed at 12% in respect of right lower limb.

8. It is noted that Tribunal has already directed the release of Rs.3,40,701/- in favour of injured-claimant, as contained in impugned award. Accordingly, the balance amount shall be kept in FDRs in terms of *paragraph 25.1* of the impugned award.

9. It is informed by appellant's counsel that entire compensation amount, along with up to-date interest, stands attached by the Tribunal by order dated 30th January 2026, from account of appellant.

10. Accordingly, there shall be a stay on enforcement proceedings till further orders.

11. List on 23rd March 2026 before the Joint Registrar (Judicial).

12. List before this Court on 30th July 2026.

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

ANISH DAYAL, J

FEBRUARY 23, 2026/sm