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

+ **MAC.APP. 202/2026 & CM APPL.18122/2026**

NATIONAL INSURANCE CO LTDAppellant

Through: Mr. Manoj Ranjan Sinha and Mr.
Vishal Agarwal, Advs.

versus

RAM KUMAR & ORS.Respondent

Through: Mr. Pankaj Gupta and Ms. Priyanka S.,
Advs. for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **23.03.2026**

CM APPL.18123/2026 & CM APPL.18124/2026 (Exemptions)

1. Exemptions allowed subject to just exceptions.
2. Applications stand disposed of, accordingly.

MAC.APP. 202/2026 along with CM APPL.18122/2026 (Stay)

1. This appeal has been filed by appellant/Insurance Company challenging the award dated 19th December 2025, passed by the Motor Accident Claims Tribunal, West Tis Hazari Courts (*'MACT/Tribunal'*) in MACT No.78094/2016 awarding Rs.43,68,814/- along with interest @ 9% per annum from the date of filing claim petition till realization.
2. The accident took place on 16th October 2016 at about 4:30 p.m. when *Sh. Tejbhan* (the deceased) was returning from his sister's matrimonial home, i.e. *Village Silana* on his motorcycle. It was alleged that upon reaching *Bahadurgarh*, a truck bearing registration bearing no. HR-38Q-1759, entered the main road from the left side and hit the motorcycle.



3. *Mr. Manoj Ranjan Sinha*, counsel appearing on behalf of appellant/Insurance Company, points out the various inconsistencies in the evidence and the records before the MACT, despite which the compensation was granted.
4. **Firstly**, he submits that the registration number of the offending vehicle was first noted as *HR-38Q-1759* in *paragraph 1* of the Award whereas subsequently, while framing issues it is noted as *HR-38A-1759* and then again while recording the testimony of **PW3**, it is noted as *HR-46D-9032*.
5. **Secondly**, he states that the testimonies of **PW4** and **PW5** are completely contradictory to each other and inconsistent within their own evidence.
6. **PW4** states that *Sh. Tejghan* was his nephew, and upon getting a call, he reached the place and was told that the accident was caused by one Canter coming out of a nearby farm carrying the straw and that one *Sonu*, an employee of the petrol pump, met him at the spot. Upon getting to know that the field belong to one *Karambir*, he went to the house of *Karambir*, and a compromise was attempted, but settlement did not come about.
7. In cross-examination, he denied that being a relative of the deceased, he had come to make statement just to help the claimant in getting compensation. He further denied that he had never visited the house of *Karambir* or that any person known to *Karambir* had never approached him for any compromise.
8. **PW5/Sonu** stated that he was an auto driver and he was going from *Bahadurgarh* to *Kharkhoda* in his auto with his passengers, which is when he saw the Canter from the field and saw the collision. He stated that he left the spot and came back after 1½ hours and met *Mohan Dass*, who was the uncle



of the injured, and he narrated the manner of accident to *Mohan Dass*.

9. In view of these apparent inconsistencies, notice be issued to the claimants.

10. *Mr. Pankaj Gupta*, counsel, accepts notice on behalf of respondent nos.1-3.

11. In the meantime, appellant shall deposit the entire awarded amount, along with accrued interest, with the Tribunal. An amount of *Rs.5,00,000/-*, along with interest be released to the claimants on filing of an undertaking that in the event the Insurance Company successful they shall recompense.

12. 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.

13. Counsels for parties will file their respective note of arguments not exceeding *three pages*, synopsisizing their contentions along with *list of citations*, which they wish to rely upon, cross-referencing *PDF pages* of the Court File. The same will be exchanged *inter se* counsels *at least three days* prior to the next date of hearing.

14. List on 31st August 2026.

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

ANISH DAYAL, J

MARCH 23, 2026/MK/bp