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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP. 209/2023

AJAY KUMAR

.....Appellant

Through: Mr. Pankaj Gupta, Adv.

versus

NAJENDRA SINGH & ORS.

.....Respondent

Through: Mr. Navneet Goyal, Adv.
for R2

Mr. Ravi Sabharwal, Adv.
for R3 (through VC)

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% 21.08.2025

CM APPL. 43362/2025 (for recalling of judgment dated 13.05.2025) & CM APPL. 43363/2025 (for stay on operation of judgment dated 13.05.2025) in MAC.APP. 209/2023

1. The present applications have been filed seeking recall and stay on operation of final judgment dated 13.05.2025, passed in the present appeal.
2. It is apparent that the Coordinate Bench of this Court, while issuing notice in the present appeal by order dated 20.04.2023, inadvertently noted that no recovery rights have been granted under the impugned award, and therefore, notice was never issued to the applicant (owner of the offending vehicle).
3. By CM APPL. 43362/2025, it is brought to the notice of the Court that recovery rights had in fact been granted by the Tribunal.
4. It is stated that the applicant has also filed a separate appeal challenging the impugned award, which is pending



consideration before this Court in MAC. APP. 201/2024.

5. Concededly, the applicant is entitled to contest any enhancement that the victim seeks of the compensation awarded by the Tribunal.

6. Admittedly, the judgment dated 13.05.2025 was passed without hearing the applicant and in such circumstances, not recalling the same would be a miscarriage of justice.

7. The learned counsel for the appellant states that the victim ought not to suffer due to the inadvertent error as noted above. He requests that in case the present judgment is recalled, the pending appeal filed by the applicant be heard expeditiously along with the present appeal.

8. In view of the above, the application, being, CM APPL. 43362/2025, stands allowed and the judgment dated 13.05.2025 is recalled. Consequently, the present appeal is directed to be restored to the position as obtaining on 13.05.2025 and the same is directed to be listed along MAC. APP. 201/2024 for arguments on 06.11.2025, subject to orders of Hon'ble the Chief Justice.

9. Pending application is disposed of.

AMIT MAHAJAN, J

AUGUST 21, 2025

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