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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 296/2025 & CM Appl.28016/2025**
PRINCE KUMARAppellant

Through: Mr. Ayaz Ahmed, Adv.

versus

SUMITRA DEVI & ORS.Respondents

Through:

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **08.05.2025**

CM Appl.28017/2025[Seeking condonation of delay in filing] & CM Appl. 28018/2025[Seeking condonation of delay in re-filing]

1. The present Applications have been filed on behalf of the Appellant seeking condonation of delay of 211 days in filing and 42 days in re-filing the present Appeal.

2. Learned Counsel for the Appellant submits that after the Impugned Order was passed, the Appellant had handed over the papers including the certified copy of the Impugned Order to the Counsel, however despite repeated requests, the Counsel did not file the Appeal. Accordingly, the papers were then handed over to the present Counsel who has filed the present Appeal. However, during this process, there was a delay caused. It is stated that the delay is inadvertent and not deliberate.

3. Accordingly, in view of the submissions made and for the reasons as stated in the Applications, the delay is condoned.

4. The Applications stand disposed of.

MAC.APP. 296/2025 & CM Appl.28016/2025[Stay]

5. The present Appeal has been filed under Section 173 of the Motor

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Vehicle Act, 1988 impugning the award dated 29.04.2024 [hereinafter referred to as “Impugned Award”] passed by the learned Presiding Officer, MACT, South District, Saket Courts, New Delhi. By the Impugned Award, the learned Tribunal has granted an amount in the sum of Rs. 10,40,316/- along with interest at the rate of 9% per annum to Respondent Nos. 1 to 3.

6. The challenge in the present Appeal has been made by the driver of the vehicle (scooty). Learned Counsel for the Appellant submits that the vehicle was not being driven in rash and negligent manner since after colliding with the bicycle, there was no injury suffered by the deceased. Secondly, it is contended that the Appellant should not be made liable as it was the duty and obligation of the owner to take insurance policy. The challenge in the present Appeal is limited to these two grounds.

7. The matter requires examination. Issue Notice. On steps being taken, let Notice be issued to the Respondents *via* all modes. An affidavit of service be filed within a week.

8. Given the joint and several liability of the Appellant, learned Counsel for the Appellant submits that he shall deposit 50% of the awarded amount inclusive of up to date interest.

9. Subject to the deposit of 50 % of the awarded amount inclusive of up-to-date interest within a period of 8 weeks by the Appellant, the operation of the Impugned Judgment, as against the Appellant shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

10. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

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11. The parties shall file their respective written synopsis, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

11.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

12. List before the concerned Registrar for completion of service and pleadings in the pending Application on 22.08.2025.

13. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

MAY 8, 2025/r

[Click here to check corrigendum, if any](#)