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

+ **MAC.APP. 17/2022**

AVINASH TOURIST TAXI SERVICESAppellant

Through: Mr. Shivam Goel, Ms. Ramya S.
Goel, Ms. Sanya Sharma, and Mr.
Jatin Dua, Advocates.

versus

UNITED INDIA INSURANCE CO. LTD. & ORS.Respondents

Through: Ms. Mahua Kalra, Advocate.

+ **MAC.APP. 25/2022 & CM APPL. 4983/2022**

AVINASH TOURIST TAXI SERVICESAppellant

Through: Mr. Shivam Goel, Ms. Ramya S.
Goel, Ms. Sanya Sharma, and Mr.
Jatin Dua, Advocates.

versus

UNITED INDIA INSURANCE CO. LTD. & ORS.Respondents

Through: Ms. Mahua Kalra, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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16.03.2026

1. These appeals have been filed by the owner of the offending vehicle involved in the accident, which occurred on 15th February 2017, causing the death of *Rajender*, who was travelling as a pillion rider on the motorcycle.
2. The offending vehicle, of which the appellant was the owner, was a



car bearing registration no. DL-1NA-0056, which hit their motorcycle, causing fatality and injuries to driver of the motorcycle.

3. The Tribunal awarded compensation and granted rights of recovery to the Insurance Company based on an assessment made in *paragraphs nos. 55-57* of the award.

4. The Tribunal, on assessment of facts, recorded that the vehicle was being driven at that time by one *Ravi Kumar*, who was stated to be the son of *Raj Kumar* (who was the authorised driver as far as the owner was concerned).

5. The assessment of the documentation on the license of *Ravi Kumar*, the Tribunal noted that he was either 10 years or 8 years on the date of the accident.

6. *Mr. Shivam Goyal*, counsel for appellant, states that, *firstly*, *Ravi Kumar* was not the authorised driver as far as the owner was concerned, and *secondly*, even if he was, there was no way for the owner to verify that his license was fake or procured.

7. He relies upon the decision of *National Insurance Co. Ltd. v. Swaran Singh*, (2004) 3 SCC 297 and *United India Insurance Co. Ltd v. Lehru and Ors*, (2003) 3 SCC 338.

8. *Ms. Mahua Kalra*, counsel appearing for Insurance Company, seeks some time to address the owner's liability and duty to verify the licenses of driver of the vehicle and to ensure that it is not driven by an unauthorized driver.

9. *Ms. Kalra*, will file a brief note of arguments placing the contentions on record.

10. List on 28th April 2026, in *supplementary list*.



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

ANISH DAYAL, J

MARCH 16, 2026/RK/zb