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

+ MAC.APP. 932/2019

MANISH KUMAR & ANR

.....Appellants

Through: Mr. Keshav Sehgal, Advocate

versus

PARTAP SINGH & ANR (NATIONAL INSURANCE CO LTD)

.....Respondents

Through: Mr. Manoj Ranjan Sinha & Mr. Vishal
Agarwal, Advocates for R-2

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

30.03.2026

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1. There are two issues which are being contested between appellants nos. 1 and 2, who are owner and driver of the offending vehicle, on one hand, and Insurance Company on the other.

2. *First issue* relates to service of notice under *Order XII Rule 8* of the Code of Civil Procedure 1908 [*'CPC'*], issued by MACT for securing presence of owner and driver of the offending vehicle before it. Though pursuant to said notice, two counsels represented the owner and driver of offending vehicle on two dates, *Mr. Sehgal*, counsel for appellant, contends that they were not authorised to do so and, in fact, they never received the said notice.

3. *Second issue* relates to invalid licence allegedly held by the driver. It is contended that no licence was ever produced before the MACT and that only now the license is being produced through an application under *Order XLI Rule 47 CPC*, issued from Nagaland (Transport Authority), which *Mr. Sehgal* states stands confirmed by *Sarathi Portal* of Transport Authority.



4. *Mr. Sinha*, counsel for Insurance Company, contends that even if it is assumed that this license can be considered, the same was valid from 27th September 2015 to 26th September 2018 for '*Transport Vehicle*' whereas the accident took place prior to that date i.e. on 9th September 2014, and in any case this license would not enure to the benefit of the driver and owner. He, therefore, seeks time to respond to the above-noted two issues.
5. Accordingly, list on 29th April 2026 in '*Supplementary List*'.
6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 30, 2026/sm/tk