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

+ **MAC.APP. 175/2015 & CM APPL. 3065/2015**

RELIANCE GENERAL INSURANCE CO LTDAppellant

Through: Mr. Rajeev M. Roy, Mr. P.
Srinivasan, Advocates.

versus

MEEAN KATIYAR & ORSRespondents

Through: Mr. Amit Kumar, Adv. for R-1 to 4

Mr. Siddharth Mittal, Mr. Abhijeet
V., Mr. Sumit K. Sharma, Adv. for
R-5.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

28.01.2026

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1. *Mr. Rajeev Roy*, Advocate addressed some opening arguments on behalf of appellant/Insurance Company. His arguments are essentially restricted to mis-apportionment of contributory negligence as, 80% on driver of the offending vehicle, which was a tractor-cum-trolley and 20% on the deceased who was driving his car behind the tractor-cum-trolley.

2. This has been resisted by counsel for claimants on the basis that cross-examination of eye-witness, *PW-2*, does not entail any such confrontation by the appellant/Insurance Company relating to contributory negligence.

3. Since no evidence has been brought forward by the Insurance Company, Motor Accidents Claims Tribunal [*'Tribunal'*] concluded that 80% of contributory negligence would be placed on driver of offending vehicle and 20% on deceased.

4. Contributory negligence of the deceased was also factored in due to



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decisions of the Court that *Regulation 23 of Rules of Road Regulations 1989* mandate that sufficient distance ought to have been maintained.

5. Counsel for claimants, however, has relied upon the following judgments:

- i. *Archit Saini And Anr. v. The Oriental Insurance Company Ilt. And Ors.* [2018] 1 S.C.R. 626;
- ii. *Sushma v. Nitin Ganapati Rangole & Ors.* 2024 INSC 706;
- iii. *Prabhavathi & Ors v. Managing Director, Bangalore Metropolitan, Transport Corporation* 2025 INSC 293;
- iv. *Dheeraj Gupta v. Ajay Kumar & Anr @Bharti Axa General Insurance Co. Ltd.* 2024:DHC:1963

6. *Mr. Rajeev Roy*, Advocate however contends that speed of the tractor was taken at 50 km/hour and even if the tractor turned, there ought not to have been any occasion for deceased to have rammed his car into the tractor.

7. Other aspect which has been argued relates to right to recovery which has not been provided to appellant/Insurance Company, despite the argument that there were a fake licence and breach of insurance conditions that a trolley had been connected to the tractor.

8. Counsel for respondent no.5/driver-cum-owner of the offending vehicle contends that the impugned award has considered this aspect and based on decision in *National Insurance Company v. Sanjay Tyagi & Ors.* MAC APP 889/2010, where it was held that the insurance policy covers the tractor for agricultural purposes with connected trolley, which does not amount to violation of insurance conditions.

9. As regards fake license, he relies on paragraph 35 of impugned award, which notes that no evidence has been led by appellant/Insurance Company on this behalf and statement of Clerk, Licencing Authority, Farukabad, UP



is recorded that they knew nothing about the driving licence in question and original records were not available with them.

10. Counsel for appellant seeks some time to counter the submissions made by counsel for respondents.

11. List on 30th January 2026 at 2:30 PM.

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

ANISH DAYAL, J

JANUARY 28, 2026/sm/sp