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

+ **MAC.APP. 704/2025**

ANIL SHARMA

.....Appellant

Through: Mr. Praveen K. Jha, Ms. Rashmi Kumari, Mr. Yash Chauhan and Mr. Aditya Rathi, Advocates

versus

LRS OF ANIL KUMAR & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **05.12.2025**

CM APPL. 68836/2025 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

MAC.APP. 704/2025, CM APPL. 68834/2025 (for stay)

3. This appeal has been filed against an award of the Motor Accident Claims Tribunal ["Tribunal"] dated 24.07.2025 in MACT NO. 449865/2016, by the owner of the offending vehicle (TSR bearing registration No. DL-1RE-8787), against whom the impugned award has been made.
4. The respondents No. 1(1) to 1(7) were the claimants before the Tribunal, being the legal heirs of one Mr. Anil Kumar, who is stated to have died in an accident involving the offending vehicle on 08.07.2012. The driver of the vehicle has been arrayed as respondent No.2 in the



present appeal.

5. It is submitted by Mr. Praveen K. Jha, learned counsel for the appellant, that there are significant discrepancies in the evidence regarding the involvement of the offending vehicle in the accident in which Mr. Anil Kumar died. It is pointed out that Mr. Anil Kumar was riding a motorcycle, whereas the FIR [FIR No. 158/2012] only mentions an accident between the TSR and a bicycle. He further submits that the deceased was triple-riding on the motorcycle, but the Tribunal failed to consider the aspect of contributory negligence. It is also submitted that the mechanical inspection report of the TSR is inconsistent with the allegation that it hit the motorcycle from behind.

6. Issue notice. Notice be served upon the respondents by all permissible modes, including through learned counsel appearing on their behalf before the Tribunal, if any.

7. The Trial Court record be summoned, and electronic copy of the same be placed on the file of this appeal.

8. Written submissions to the appeal be filed by the parties, with reference to the electronic record of the Court, alongwith copies of any relevant judgments which they wish to rely upon, within eight weeks from today.

9. Subject to deposit of the awarded amount by the appellant before the Tribunal, along with up-to-date interest, in two equal instalments, within a period of six weeks and twelve weeks from today, the execution of the impugned award shall remain stayed until the next date of hearing.

10. List before the Registrar on 27.02.2026 for completion of service.

11. List before the Court on 28.04.2026.



CM APPL. 68835/2025 (for requisition of TCR)

In view of the aforesaid order, this application stands disposed of.

PRATEEK JALAN, J

DECEMBER 5, 2025

Dy/JM/