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

+ **MAC.APP. 37/2025, CM APPL. 2574/2025 & CM APPL. 2575/2025**

MAHENDRA KUMAR TIWARIAppellant

Through: Mr. Kotla Harshavardhan
& Ms. Gayatri Gupta,
Advocates (Through Delhi
High Court Legal Aid).

versus

MARJEENA & ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **16.01.2025**

CM APPL. 2576/2025 (exemption from filing certified copies of annexures)

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

MAC.APP. 37/2025

3. The appellant challenges the order dated 18.11.2023, passed by the learned Presiding Officer, Motor Accident Claims Tribunal ('MACT') Saket Courts, New Delhi, in MACT No. 351/2020, pursuant to which compensation was awarded to Respondent No.1, 2 and 4 being the LR's of the deceased.

4. The appellant and Respondent Nos. 5 & 6 have been directed to pay compensation being the owner, the person in possession, and the driver respectively, of the offending vehicle.

5. The learned counsel for the appellant submits that no liability could have been fastened upon the appellant since the possession of the vehicle was with Respondent No.5, who



allowed his nephew, Respondent No.6, to drive the vehicle. It has categorically been mentioned by the police in its chargesheet that the offending vehicle was given on rent to Respondent No. 5.

6. He submits that the learned Tribunal fastened the liability holding that the appellant has not been able to prove the rent agreement in accordance with law.

7. He submits that the learned Tribunal, for the purpose of arriving at a conclusion that the vehicle was being driven in a rash and negligent manner, had relied upon the chargesheet filed by the State.

8. He submits that, in such circumstances, the final report in the FIR which specifically mentions that the offending vehicle though owned by the appellant but was given on rent to Respondent No. 5, should also have been taken note of.

9. He, lastly, contends that the appellant belongs to a poor strata of society and was not made aware of the passing of the impugned award by the erstwhile advocate which led to the appellant contacting the Delhi High Court Legal Services Committee and the present appeal has now been filed with delay.

10. Issue notice.

11. Notice be served through all permissible modes.

12. The execution of the impugned award is stayed against the appellant till the next date of hearing.

13. It is, however, made clear that this Court has not impeded the learned Execution Court from passing further orders against Respondent Nos. 5 & 6.

14. List on 29.05.2025.

AMIT MAHAJAN, J

JANUARY 16, 2025/‘Aman’