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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 65/2025, CM APPL. 3879/2025, CM APPL. 3881/2025 & CM APPL. 3882/2025**

AUDIO VOICE INDIA LTD

.....Appellant

Through: Mr. Jatinder Kumar Sethi,
Mr. Sanyam Khetrapal &
Mr. Himanshu Sethi,
Advs.

versus

DEEPA RANI & ORS.

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **23.01.2025**

CM APPL. 3880/2025 (exemption)

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

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3. The appellant challenges the award dated 07.08.2024 passed by the learned Motor Accident Claims Tribunal ('MACT'), Central, Tis Hazari Courts, Delhi, in MACT No. 239/2017, pursuant to which a total compensation of ₹60,51,799/- including interest, was awarded in favour of the claimant.

4. The learned counsel for appellant submits that the accident which led to death of the victim, took place on 17.09.2016,

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whereas on the said date, the appellant was not the owner of the offending vehicle. He submits that the vehicle was sold by the appellant on 28.07.2016 to a car dealer, namely, Magic Auto Pvt. Ltd. He submits that the car was further sold by Magic Auto Pvt. Ltd. to Respondent No. 5, which fact has been verified and recorded by the Police authorities while filing the chargesheet.

5. He submits that the claim petition was dismissed for non-prosecution on 27.08.2018 and was ultimately restored on 01.08.2023, without any fresh notice to the appellant. He submits that the service has been shown to have been done through a substituted service by way of a publication in a newspaper, namely– “Veer Arjun”, which cannot be considered as a proper service.

6. He submits that the appellant at the initial stages, had filed a written statement annexing the documents evidencing that the vehicle had already been sold to Magic Auto Pvt. Ltd.

7. He submits that the appellant cannot be saddled with the liability to pay compensation only because the subsequent purchaser had not got the vehicle transferred in their name from the Transport Authority. He submits that it is not the case of the claimants or of the Police authority that the driver of the offending vehicle was employed by the appellant so as to make the appellant vicariously liable for any activity.

8. Issue notice.

9. Notice be served through all permissible modes.

10. The execution of the impugned award is stayed against the appellant, upon the appellant depositing ₹10 Lakh of the compensation amount with the Registrar General of this Court within a period of four weeks.



11. It is made clear that this Court has not impeded the learned Executing Court from proceeding further against the other respondents.

12. List on 14.07.2025.

AMIT MAHAJAN, J

JANUARY 23, 2025

“SK”