



\$~1 & 23 to 25, 30 to 36 and 41 to 59

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

+ MAC.APP. 219/2026 & CM APPL. 19840/2026
ICICI LOMBARD GENERAL INSURANCE CO. LTD....Appellant
Through:
versus

MOHD AJAHAR AND ORSRespondent
Through:

23+ MAC.APP. 232/2025& CM APPL. 20656/2025
ICICI LOMBARD GENERAL INSURANCE CO LTD....Appellant
Through:
versus

GUDIYA DEVI AND ORSRespondent
Through:

24+ MAC.APP. 255/2025& CM APPL. 23120/2025
RAM KESH YADAVAppellant
Through:
versus

LATE MAHESH & ANR.Respondent
Through:

25+ MAC.APP. 479/2025& CM APPL. 46476/2025
MAGMA GENERAL INSURANCE LTDAppellant
Through:
versus

KAILASHO AND ORSRespondent
Through:

32+ MAC.APP. 170/2026& CM APPL. 15628/2026
BAJAJ GENERAL INSURANCE CO LTDAppellant
Through:
versus

SMT REKHA & ORS.Respondent
Through:



- 33+ MAC.APP. 177/2026&CM APPL. 16090/2026
THE NEW INDIA ASSURANCE CO LTDAppellant
Through:
versus
SUNITA AND ORSRespondent
Through:
- 34+ MAC.APP. 192/2026& CM APPL. 17446/2026
GO DIGIT GENERAL INSURANCE CO.LTD.Appellant
Through:
versus
BARUN KUMAR JHA THRU LRS & ORS.Respondent
Through:
- 35+ MAC.APP. 194/2026& CM APPL. 17505/2026
ROYAL SUNDARAM GENERAL INSURANCE COMPANY
LIMITEDAppellant
Through:
versus
AMRAVATI & ORS.Respondent
Through:
- 36+ MAC.APP. 201/2026& CM APPL. 18117/2026
HDFC ERGO GENERAL INS.CO.LTD.Appellant
Through:
versus
KAVYANSH @ KARTIK & ANR.Respondent
Through:
- 41+ MAC.APP. 273/2024& CM APPL. 30878/2024 CM APPL.
46302/2024
MAGMA HDI GIC LTDAppellant
Through:
versus
BEBI DEVI & ORS.Respondent
Through:



- 42+ MAC.APP. 428/2024
SMT BABI DEVI AND ANOTHERAppellant
Through:
versus
NEERAJ AND ANOTHERRespondent
Through:
- 43+ MAC.APP. 350/2025& CM APPL. 33773/2025 CM APPL.
33774/2025
TATA AIG GENERAL INSURANCE COMPANY
LTD....Appellant
Through:
versus
ARUN KUMAR & ORS.Respondent
Through:
- 44+ MAC.APP. 357/2025& CM APPL. 34247/2025 CM APPL.
34249/2025 CM APPL. 4786/2026
TATA AIG GENERAL INSURANCE COMPANY
LTD....Appellant
Through:
versus
MR. AMIT RAGHAV & ORS.Respondent
Through:
- 45+ MAC.APP. 307/2025& CM APPL. 29157/2025 CM APPL.
29158/2025
IFFCO TOKIO GENERAL INSURANCE CO LTD....Appellant
Through:
versus
RAHUL & ORS.Respondent
Through:
- 46+ MAC.APP. 347/2025& CM APPL. 33519/2025
ICICI LOMBARD GENERAL INSURANCE CO. LTD....Appellant
Through:
versus
SMT. NEELAM & ORS.Respondent
Through:
- 47+ MAC.APP. 353/2025& CM APPL. 34041/2025 CM APPL.
34044/2025



ICICI LOMBARD GENERAL INSURANCE CO. LTD.....Appellant
Through:
versus

AMANDEEP SINGH (MINOR) THROUGH HIS FATHER & ORS.
.....Respondent

- Through
48+ MAC.APP. 424/2025& CM APPL. 40595/2025
MAGMA GENERAL INSURANCE LTD.Appellant
Through:
versus
ANITA SETHI AND ORSRespondent
- 49+ MAC.APP. 442/2025&CM APPL. 42573/2025
ICICI LOMBARD GENERAL INSURANCE CO LTD....Appellant
Through:
versus
GEETA & ORS.Respondent
Through:
Through:
50+ MAC.APP. 468/2025&CM APPL. 45133/2025
HDFC ERGO GENERAL INSURANCE COMPANY LITMITED
.....Appellant
Through:
versus
RAKESH (DECEASED) THR LRS AND ORSRespondent
Through:
51+ MAC.APP. 471/2025&CM APPL. 45691/2025
GO DIGIT GENERAL INSURANCE CO.LTD.Appellant
Through:
versus
BHUPAT & ORS.Respondent
Through:
52+ MAC.APP. 489/2025&CM APPL. 47964/2025
CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD.
.....Appellant
Through:
versus
SHIV KUMAR & ORS.Respondent



Through:

- 53+ MAC.APP. 492/2025&CM APPL. 48287/2025
TARUN VERMA AND ANR.Appellant
Through:
versus
KAILASHO AND ORSRespondent
Through:
- 54+ MAC.APP. 500/2025&CM APPL. 49297/2025
SHRIRAM GENERAL INSURANCE CO. LTDAppellant
Through:
versus
BITU KUMAR & ORS.Respondent
Through:
- 55+ MAC.APP. 543/2025&CM APPL. 53146/2025
GO DIGIT GENERAL INSURANCE CO.LTD.Appellant
Through:
versus
NAVED & ORS.Respondent
Through:
- 56+ MAC.APP. 599/2025&CM APPL. 58579/2025
ZURICH KOTAK GENERAL INSURANCE CO. LTD.....Appellant
Through:
versus
DEVENDER PRASAD & ORS.Respondent
Through:
- 57+ MAC.APP. 619/2025& CM APPL. 59683/2025
ZURICH KOTAK GENERAL INSURANCE COMPANY (INDIA)
LTDAppellant
Through:
versus
RAMESH KUMAR & ORS.Respondent
Through:
- 58+ MAC.APP. 626/2025&CM APPL. 60547/2025
ZURICH KOTAK GENERAL INSURANCE COMPANY (INDIA)
LTDAppellant
Through:



versus
NAKUL & ORS.Respondent
Through:

59+ MAC.APP. 24/2026&CM APPL. 1752/2026
CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD
.....Appellant

Through:
versus
PUSHPA & ORS.Respondent
Through:

Appearance:

Mr. Ved Vyas Tripathi, Advocate with Mr. Vaibhav Verma, Advocates for appellant in item nos. 1,23,24,25,41,46 & 48 and for respondent in item no.24, 42 & 53.

Mr. Ajay Satija, Advocate for respondent in item no.31.

Mr. Sunil Satija, Adv with Mr. Pradeep Awasthi, Advocate in item No.23 for respondent no. 1-5.

Mr. Avinash Suri, Advocate in Item no. 25 for respondent no. 3 & 4 and for appellant in item no. 53.

Ms. Priyanka Sethia, Advocate for respondents in item no. 33.

Mr. A.K. Soni, Advocate (*through VC*) in item no. 32.

Mr. Satyajit Kumar Singh, Adv with Mr. Ajay Kumar, Adv Mr. Sourabh Kumar, Advocates for R-1 to R-3 in item No. 34.

Mr. Pankaj Gupta, Advocate for respondent no. 1 & 2 in item no. 41 and 48 (for respondent no.1 in item no.54 and for respondent nos. 1-3 in item no.59) and for appellant in item no.42.

Ms. Suman Bagga, Advocate in item no. 35 & 36.

Mr. S. N. Parashar, Advocate with Mr. Ritik Singh, Advocate for respondent no.1.

Mr. Rajeev M. Roy, Mr. P. Srinivasan, Advocate for appellant in item no.s 56,57 and 58.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
% **22.04.2026**



MAC.APP. 232/2025 & CM APPL. 20656/2025, MAC.APP. 255/2025 & CM APPL. 23120/2025, MAC.APP. 479/2025 & CM APPL. 46476/2025, MAC.APP. 170/2026 & CM APPL. 15628/2026 CM APPL. 26437/2026, MAC.APP. 177/2026 & CM APPL. 16090/2026, MAC.APP. 192/2026 & CM APPL. 17446/2026 MAC.APP. 194/2026 & CM APPL. 17505/2026, MAC.APP. 428/2024, MAC.APP. 350/2025 & CM APPL. 33773/2025 CM APPL. 33774/2025, MAC.APP. 357/2025 & CM APPL. 34247/2025 CM APPL. 34249/2025 CM APPL. 4786/2026, MAC.APP. 307/2025 & CM APPL. 29157/2025 CM APPL. 29158/2025, MAC.APP. 347/2025 & CM APPL. 33519/2025, MAC.APP. 353/2025 & CM APPL. 34041/2025 CM APPL. 34044/2025, MAC.APP. 424/2025 & CM APPL. 40595/2025, MAC.APP. 442/2025 & CM APPL. 42573/2025, MAC.APP. 468/2025 & CM APPL. 45133/2025, MAC.APP. 471/2025 & CM APPL. 45691/2025, MAC.APP. 489/2025 & CM APPL. 47964/2025, MAC.APP. 492/2025 & CM APPL. 48287/2025, MAC.APP. 500/2025 & CM APPL. 49297/2025, MAC.APP. 543/2025 & CM APPL. 53146/2025, MAC.APP. 599/2025 & CM APPL. 58579/2025, MAC.APP. 619/2025 & CM APPL. 59683/2025, MAC.APP. 626/2025 & CM APPL. 60547/2025 & MAC.APP. 24/2026 & CM APPL. 1752/2026.

1. It is informed by counsel for parties that the issue regarding applicability of the principle of '*pay and recover*' by the Motor Accidents Claims Tribunal ('*MACT*') post the amendment to the Motor Vehicles Act, 1988 ('*MV Act*') effective from 2022, introducing Section 150 of MV Act without the *proviso* in the previous Section 149 (4) of the MV Act, is pending adjudication in a batch of petitions before the Supreme Court, which are tentatively listed on 28th April 2026.
2. It is the common plea of the counsel to await the determination of the Supreme Court on this issue.
3. Accordingly, list on 16th September 2026.



CM APPL. 26437/2026 in MAC.APP. 170/2026

1. This application has been filed on behalf of Insurance Company for the extension of time to deposit the compensation amount as directed in *paragraph 4* of the order dated 13th March 2026.
2. *Mr. A.K. Soni*, counsel for Insurance Company, states that the amount is ready and will be deposited within this week.
3. Accordingly, application is disposed of

MAC.APP. 219/2026 & CM APPL. 19838/2026

1. This appeal has been filed by Insurance Company assailing the impugned award dated 21st November 2025, awarding compensation of Rs. 6,34,500/- to the claimant along with interest @ 9% *per annum*.
2. The Insurance Company challenges the directions to ‘*pay and recover*’, which were passed by the MACT in *paragraph 31* of the Award.
3. In the context, the Insurance Company’s claim that the driver of the offending vehicle did not have a valid driving license at the time of the accident.
4. Considering that this legal issue is still to be determined in proceedings, which are pending before the Supreme Court, in the meantime, the Insurance Company shall deposit the entire compensation along with accrued interest, before the MACT, within a period of four weeks. Subject to the aforesaid deposit, the execution of the award shall remain stayed.
5. Thereafter, upon such deposit, 35 % of the deposited amount will be released to the claimant within two weeks in terms of the scheme and direction of the Tribunal.
6. The balance amount will be kept in an interest-bearing FDR on an



auto-renewal mode and will be subject to the further orders of the Court.

7. Trial Court Record be also requisitioned and placed on record. Digital copy of the same be supplied to the counsels for the parties, if so requested.

8. List on 16th September 2026.

CM APPL. 19839/2026 in MAC.APP. 219/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application is accordingly disposed of.

CM APPL. 19840/2026 in MAC.APP. 219/2026 (Condonation of delay)

1. This application has been filed seeking condonation of delay of 6 days in re-filing the present appeal.
2. In view of the facts as stated in the appeal, the delay of 6 days in re-filing the present appeal is condoned.
3. Application is accordingly allowed and disposed of.

MAC.APP. 201/2026 & CM APPL. 18117/2026

1. Pursuant to the order dated 23rd March 2026, it is further directed that the compensation, along with accrued interest, be deposited by the Insurance Company before the MACT within four weeks.
2. Subject to such deposit being made, there shall be a stay on the enforcement of the award.
3. Thereafter, 35 % of the deposited amount be released to the claimant within two weeks in terms of the scheme and direction of the MACT in the impugned award dated 26th November 2025.
4. List on 16th September 2026.



MAC.APP. 273/2024

1. Pursuant to the order dated 22nd May 2024, the Court had directed the deposition of the compensation amount by Insurance Company.
2. It is stated by *Mr. Pankaj Gupta* that the directions for release have been left out.
3. The issue is pending on the legitimacy of '*pay and recovery*' directions, which is pending adjudication before the Supreme Court.
4. In the meantime, 35% of the deposited amount will be released to the claimants in terms of the scheme and directions passed by the MACT.
5. List on 16th September 2026.
6. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 22, 2026/RK/bp