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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ MAC.APP. 204/2026 & CM APPL. 18172/2026  
THE ORIENTAL INS CO. LTD. ....Appellant  
Through: Mr. Daya Nand Singhal, Adv.

versus

MOHD ABDUL AND ORS. ....Respondent  
Through:

+ MAC.APP. 205/2026 & CM APPL. 18178/2026  
THE ORIENTAL INS CO LTD ....Appellant  
Through: Mr. Daya Nand Singhal, Adv.

versus

MOHD ABDUL & ORS. ....Respondent  
Through:

**CORAM:**  
**HON'BLE MR. JUSTICE ANISH DAYAL**

**ORDER**

% **23.03.2026**

**CM APPL. 18171/2026 (Exemption) in MAC.APP. 204/2026**

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

**CM APPL. 18170/2026 (Condonation of delay) in MAC.APP. 204/2026**

1. This application has been filed seeking condonation of delay of 76 days in filing the present appeal.
2. For the reasons, as stated in the said application, the same is allowed.
3. Delay is condoned.
4. Application stands disposed of, accordingly.

**CM APPL. 18173/2026 (Condonation of delay) in MAC.APP. 204/2026**

1. This application has been filed seeking condonation of delay of 38 days



in re-filing the present appeal.

2. For the reasons, as stated in the said application, the same is allowed.
3. Delay is condoned.
4. Application stands disposed of, accordingly.

**CM APPL. 18177/2026 (Exemption) in MAC.APP. 205/2026**

1. Exemption allowed subject to just exceptions.
2. Application stands disposed of, accordingly.

**CM APPL. 18176/2026 (Condonation of delay) in MAC.APP. 205/2026**

1. This application has been filed seeking condonation of delay of 72 days in filing the present appeal.
2. For the reasons, as stated in the said application, the same is allowed.
3. Delay is condoned.
4. Application stands disposed of, accordingly.

**CM APPL. 18179/2026 (Condonation of delay) in MAC.APP. 205/2026**

1. This application has been filed seeking condonation of delay of 38 days in re-filing the present appeal.
2. For the reasons, as stated in the said application, the same is allowed.
3. Delay is condoned.
4. Application stands disposed of, accordingly.

**MAC.APP. 204/2026 along with CM APPL. 18172/2026 (Stay)**

1. This appeal has been filed assailing award dated 16<sup>th</sup> July 2025 in MACT No. 744/2021, whereby a compensation of Rs. 18,24,272/- along with interest @ 9% per annum was awarded.
2. The accident occurred on 05<sup>th</sup> August 2021 near *Majnu Ka Tilla, Delhi*, when *Mohd. Abdul* was travelling on a scooter along with his wife and minor son. A Punjab Roadways bus hit the scooter, as a result of which *Mohd. Abdul*



sustained grievous injuries, and his minor son, *Sohail*, passed away.

3. *Mr. Singhal*, counsel for Insurance Company, submits that the injured was not wearing a helmet at the time of the accident and that there was triple riding on the scooter, which amounts to contributory negligence.

4. Furthermore, he contended that Income Tax Returns (*'ITRs'*) relied upon by the Tribunal for computing income were not proved in accordance with law, as no witness from the Income Tax Department was examined. And therefore, the documents were marked as invalid. Hence, the assessment of annual income at *Rs. 4,80,821/-* by the MACT is untenable and income ought to have been assessed based on minimum wages of an unskilled worker.

5. It is submitted that the entire awarded amount along with accrued interest has already been deposited before the Tribunal. Accordingly, if the deposit has been so made along with accrued interest, the enforcement of the award is stayed till the next date of hearing before this Court.

6. 50% of the amount so deposited be released to the claimant as per the directions laid down by MACT in the impugned Award.

7. Issue notice to respondents on steps being taken by appellant/Insurance Company through all permissible mode, including email.

8. 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.

9. Counsels for parties will file their respective note of arguments not exceeding *three pages*, synopsisizing their contentions along with *list of citations*, which they wish to rely upon, cross-referencing *PDF pages* of the Court File. The same will be exchanged *inter se* counsels *at least three days* prior to the next date of hearing.

10. List on 31<sup>st</sup> August 2026.



**MAC.APP. 205/2026 along with CM APPL. 18178/2026 (Stay)**

1. This appeal has been filed assailing Award dated 16<sup>th</sup> July 2025 in MACT No. 743/2021, whereby an amount of Rs. 97,07,651/- along with interest @ 9% per annum has been awarded.
2. *Mr. D.N. Singhal*, counsel for appellant/Insurance Company, with respect to the compensation awarded to the deceased, submits that he challenges the award on account of contributory negligence due to the non-wearing of helmet by the deceased, which is otherwise mandated under Section 129 of the Motor Vehicles Act, 1988, which mandates protective headgear of anybody above four years, and also due to triple riding on the motorcycle.
3. As regards the other compensation amounts towards consortium, loss of estate, funeral expenses, there is no dispute on behalf of the Insurance Company.
4. It is submitted that the entire awarded amount along with accrued interest has already been deposited before the Tribunal. Accordingly, If the deposit has been so made along with accrued interest, the enforcement of the award is stayed till the next date of hearing before this Court.
5. Keeping this into account, the release of compensation is restricted to 70% of the compensation.
6. Issue notice to respondents on steps being taken by appellant/Insurance Company through all permissible mode, including email.
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.



11. Counsels for parties will file their respective note of arguments not exceeding *three pages*, synopsisizing their contentions along with *list of citations*, which they wish to rely upon, cross-referencing *PDF pages* of the Court File. The same will be exchanged *inter se* counsels *at least three days* prior to the next date of hearing.
12. List on 31<sup>st</sup> August 2026.
13. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**MARCH 23, 2026/MK/bp**