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

+ **MAC.APP. 253/2026**

SADHNA TIWARI & ORS.

.....Appellants

Through: Mohd. Mustafa, Ms. Arpita Biswas,
Advocates.

versus

RAGHUVENDER KUMAR SINGH & ORS

.....Respondents

Through: *Nemo.*

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **24.04.2026**

CM APPL. 23963/2026 (Exemption)

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

CM APPL. 23964/2026 & CM APPL. 23965/2026 (condonation of delay in filing and re-filing)

1. These applications have been filed seeking condonation of delay of 60 days in filing and 80 days in re-filing the present appeal.
2. In view of the facts and circumstances stated in the applications, delay is condoned.
3. Applications stand disposed of.

MAC.APP. 253/2026

1. This appeal has been filed assailing the Award dated 1st August 2025 passed by the Motor Accident Claims Tribunal, Shahdara, Karkardooma



Courts, Delhi (*MACT*) in MACT No.107/2023, whereby compensation of Rs.76,93,211/- along with interest @7% per annum has been awarded by the MACT to the claimants in relation to an accident that occurred on 8th November 2022 near *Seemapuri, Delhi*.

2. *Mohd. Mustafa*, counsel for appellants/claimants, contends that the MACT has exonerated the Insurance Company on the ground that the insured vehicle, *i.e.* the truck, was not responsible for the accident and that its driver was not negligent. He submits that the accident occurred when the motorcycle being driven by the deceased, *Sh. Dinesh Chandra Tiwari*, was struck by a tempo, causing the deceased to fall to the right, whereafter he was crushed by the truck (*offending vehicle*).

3. *Mohd. Mustafa*, submits that this is a clear case of composite negligence and that the MACT has erred in fastening liability solely on the tempo, which was uninsured. In support of this contention, he relies upon the examination-in-chief and cross-examination of the Investigating Officer (*IO*)/PW-2, who deposed as to the circumstances of the accident. In cross-examination, the IO stated that the truck was in the wrong lane and denied the suggestion that the truck driver was driving in the proper lane in accordance with traffic rules and regulations or that there was no fault on the part of the truck driver. It is further submitted that both the tempo driver and the truck driver have been charge-sheeted.

4. Accordingly, issue notice to respondent nos.1-5 on steps being taken by appellants through all permissible modes including, e-mail etc.

5. Returnable on 12th October 2026.

6. 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.

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. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 24, 2026/ak/zb