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

+ **MAC.APP. 218/2025**

INDER PAL

.....Appellant

Through: Mr. Shashi Shanker and Ms. Pooja
Mohanani, Advocates.

versus

**NAFISA (SINCE DECEASED) THROUGH L.RS MD. ISLAM &
ORS.**

.....Respondents

Through: None.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

% **02.04.2025**

CM APPL. 19020/2025 [Exemption from filing certified copies]

1. Allowed, subject to the Appellant filing certified copies of the annexures within a period of three weeks.
2. The Application stands disposed of.

CM APPL. 19018/2025 [Delay in filing the Appeal] & CM APPL. 19019/2025 [Delay in re-filing the Appeal]

3. This is an Application seeking condonation of delay of 162 days in filing the present Appeal and 205 days in re-filing the present Appeal.
4. Learned Counsel for the Appellant submits that the Appellant was incarcerated and was in judicial custody from 22.10.2023 and in his absence, the Impugned Award was passed. It is only when the Appellant was released on bail that he was able to put together the necessary documents and approach a Counsel for filing the present Appeal. Hence, the delay.
- 4.1 Learned Counsel for the Appellant further submits that the Appellant



being a poor person could not arrange for the statutory amount payable and hence, the delay in re-filing is caused.

5. Learned Counsel for the Appellant also relies on the judgment of the Supreme Court in the case of ***Sheo Raj Singh v. Union of India***; (2023) 10 SCC 531 wherein it has been held that the power to condone delay must be exercised based on the cause and not the length of the delay. A genuine explanation and not a mere excuse is required.

6. In view of the foregoing and for the reasons as stated in the Applications, the delay is condoned.

7. The Applications stand disposed of.

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8. The present Appeal has been filed under Section 173 of the Motor Vehicle Act, 1988 against an order dated 01.12.2023 passed by the learned MACT-02 (Central), Delhi. The learned Trial Court has found that the Appellant, who is the driver-cum-owner is liable to pay compensation award of Rs.6,71,573/- and has been directed to be paid.

9. It is the case of the Appellant that an FIR was registered against the Appellant in respect of rash and negligent driving and that after trial, the Appellant was acquitted. He seeks to rely upon a judgment dated 01.09.2018 passed by the Court of learned Metropolitan Magistrate-08, Central District, Tis Hazari Courts Complex, Delhi in Case No.298063/2016 captioned ***State v. Inderpal***.

10. Issue Notice.

10.1 On steps being taken, let Notice be served on the Respondents *via* all modes. *Dasti* in addition. An Affidavit of service be filed within one week.

11. The parties shall file their respective written synopsis, not exceeding



three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon.

11.1 All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

12. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

13. Subject to the deposit of the entire amount, inclusive of up-to-date interest, the execution of the Impugned Award shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

14. The Respondents are at liberty to file an appropriate Application for the release of the amounts deposited.

15. List on 07.05.2025.

16. The parties shall act based on a digitally signed copy of the order.

TARA VITASTA GANJU, J

APRIL 2, 2025/pa/jn

[Click here to check corrigendum, if any](#)