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

CNR No. DLHC011790622013

+ **MAC.APP. 1073/2013**

THE NEW INDIA ASSURANCE CO LTDAppellant

Through: **Mr. J.P.N. Shahi, Adv.**

versus

P G CHANDRASEKHARAN NAIR & ORSRespondent

Through:

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **11.08.2026**

1. No one appears on behalf of respondent nos.2 & 3/owner and driver of the offending vehicle respectively.
2. The notices issued on 02nd July 2026 still remain unserved.
3. *Mr. J.P.N. Shahi*, counsel for Insurance Company, contends that as per the record, respondent no.3/driver of the offending vehicle was a minor at the time of the accident, and the owner of the offending vehicle was his brother-in-law.
4. *Rajesh*, owner of the offending vehicle [*respondent no.2 herein*] who is the brother-in-law of respondent no.3/driver, stated before the MACT that he did not give his vehicle to his brother-in-law [*respondent no. 3*], and that he was in the office on that day. He further stated that he did not collect the keys from respondent no.3. He admitted knowing that respondent no. 3 had a learning licence, but stated that he had not seen it.



5. *Mr. J.P.N. Shahi*, counsel for Insurance Company, contends that even though it was confirmed on record that respondent.3/driver of offending vehicle, namely, *Bheem Sain*, had not attained *18 years* of age on the date of the accident, *recovery rights* were not granted.
6. *Mr. Shahi*, counsel for Insurance Company, seeks to rely on certain decisions in this regard.
7. *Mr. Shahi's* attention has also been drawn to order dated 22nd July 2026, passed by this Court in *MAC.APP. 1030/2013*, wherein a view has been taken by this Court with respect to similar facts in another matter.
8. List on 03rd September 2026.
9. Fresh Court Notices be issued to respondent nos.2 & 3/owner and driver of the offending vehicle respectively, in order to illicit their response in this regard.
10. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 11, 2026/MK/ya