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

+ MAC.APP. 1089/2014 & CM APPL. 19663/2014

UNITED INDIA INSURANCE CO LTD .....Appellant

Through: Ms. Shruti Jain, Adv.

versus

MAMTA RANI & ORS .....Respondent

Through: Mr. Pankaj Gupta and Ms. Divyanshi  
Sharma, Advs. for R-1 to 4.

**CORAM:**

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

**ORDER**

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**11.05.2026**

1. *Ms. Shruti Jain*, counsel for Insurance Company, submits that she is not prepared with the matter, since she has not had access to file.
2. The Court takes a very strict view on this submission, considering that the matter was last listed on 27<sup>th</sup> February 2026, when *Ms. Jain*, counsel for Insurance Company, had appeared; there seems to be no reason as to why even after 2½ months, the file has still not been accessed by counsel from the Insurance Company or from the Registry.
3. *Mr. Pankaj Gupta*, counsel for respondents, however, asserts that the limited plea of Insurance Company, is that the death of the deceased on 22<sup>nd</sup> February 2008, did not occur due to the accident, as there is no *post-mortem report* to suggest that the deceased had expired because of injuries suffered by him in the accident. He further contends that the cause of death was adequately proved by medical evidence on record, *inter alia* that of **PW5/Dr.**



*Seema Singh*, Assistant Professor Surgery, Guru Teg Bahudur [**GTB**] Hospital, *Delhi-110095*.

4. He further states that an application under Order VI Rule 17 of the Code of Civil Procedure, 1908 [**CPC**] had been filed before the Motor Accident Claims Tribunal [**MACT**] by the respondents/claimants for altering their claim petition for compensation, on account of the death caused as opposed to the original claim for compensation due to injury. However, no reply was filed by the Insurance Company to the application, and the application was allowed.

5. However, Insurance Company has now chosen to assert this issue in the appeal.

6. Accordingly, *Ms. Shruti Jain*, counsel for Insurance Company, is allowed to access the file and address arguments.

7. List on 21<sup>st</sup> May 2026 in category of “*Supplementary List*”.

8. No further adjournments shall be granted to the Insurance Company on next date of hearing.

9. *Mr. Pankaj Gupta*, counsel for respondents seeks liberty to file an additional synopsis, detailing out the evidence, which has been provided by the medical personnel in this regard, along with the treatment record of deceased.

10. Order be uploaded on the website of this Court.

**ANISH DAYAL, J**

**MAY 11, 2026/MK/ya+tk**