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

\# **CNR No. DLHC010548282026**

\+ MAC.APP. 730/2026 & CM APPL. 78907-78912/2026

MUKUL VERMA .....Appellant

Through: Mr. Shiv Chopra, Advocate (DHCLSC)

versus

INDRAWATI & ORS. .....Respondents

Through: Mr. G.D. Parashar, Advocate Mr. Lalit Bhargava, Mr. Satish Vijay Shrstriya Mr. Aryan Yadav, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

O R D E R

% 18.11.2026

1. This appeal has been filed by the driver of the alleged offending vehicle challenging the award passed by the Motor Accidents Claims Tribunal, Rohini Courts, in MACT No. 69/2019 dated 14th September 2026, awarding compensation of *Rs. 26,32,929.60/-* along with interest at 7% per annum.

2. *Mr. Shiv Chopra*, counsel appearing through Delhi High Court Legal Service Committee ('***DHCLSC***') for appellant, states that, as per the claimant's version, the accident, which occurred on 23rd September 2018, involved the claimant travelling as a second pillion rider on the motorcycle bearing registration no. DL-9ST-8148, allegedly driven by the appellant, *Mukul Verma*, with *Aakash*, his relative, riding as the first pillion rider.

3. While they were going as part of the procession for *Ganesh Visarjan,* due to rash and negligent driving of the motorcycle, the deceased fell down on the road and sustained fatal injuries.

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4. *Mr. Shiv Chopra* states that the version of the appellant is quite different. As per appellant, he was driving this motorcycle along with *Aakash* on the pillion, and the deceased was on the pillion of another motorcycle which tried to overtake them and, thereafter, since they were driving at a high speed and negligently, the deceased fell down on the road.

5. He further states that both *Mukul Verma* and *Aakash* took him to the BSA hospital and, in fact, *Aakash* gave statements to the police as well and informed the relatives; therefore, they conducted themselves as good *Samaritans*, but were unnecessarily implicated.

6. The MACT relied on the testimony of *Suresh*, a third-party eyewitness, who testified as **PW3**. *Mr. Chopra* draws the Court's attention to **PW3's** testimony, who stated that he could neither see how the accident took place nor could he identify the driver of the motorcycle. In his statement before the police, recorded under Section 161 of Cr.P.C., he took the same position.

7. To the contrary, *Aakash* was cited as a witness by the claimants before the MACT but was subsequently dropped by the claimants. He had, however, given his statement in the criminal proceedings, where he had stated that the deceased was sitting on another bike and reiterated the version that has been stated above.

8. Accordingly, issue notice.

9. Notice is accepted by *Mr. G.D. Parashar*, counsel for respondents/claimants, who shall file reply, if any.

10. 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. Counsel for parties will file their respective note of arguments not exceeding *three pages*, synopsizing their contentions along with *list of*

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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. *Mr. Shiv Chopra* states that the appellant is working as a daily wage labourer in a factory as loader and is earning only *Rs. 12,000/- per month,* which is paid in cash under minimum wages. Affidavit to this extent shall be placed on record.

13. On this basis, *Mr. Chopra* states that the appellant is unable to deposit any compensation.

14. List on 02nd December 2026.

15. In the meantime, there shall be no enforcement proceedings till the next date of hearing.

16. An issue of larger public interest has been raised by *Mr. Shiv Chopra*, in that vehicles are being plied on public roads without valid insurance policies. In such circumstances, claimants are left to pursue compensation from the driver and owner of the offending vehicle, often leaving them to fend for themselves. This would defeat the very purpose of mandatory third-party insurance under the Motor Vehicles Act, 1988 ('***MV Act***').

17. In the above context, it would be apposite to refer to Section 146 of the MV Act, which mandates that no person shall use, except as a passenger, or cause or permit any other person to use, a motor vehicle in a public place unless there is in force, in relation to the use of such vehicle, a policy of insurance complying with the requirements of Chapter XI of the MV Act.

18. Further, Section 196 of the MV Act lays down the penalty for driving an uninsured vehicle. The provision makes the use of a motor vehicle in

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contravention of Section 146 a punishable offence.

19. A reading of the aforesaid provisions shows that third-party insurance is not merely a statutory formality but also a mandatory obligation. The intent behind the same is to protect third-party victims. It is noted that in several cases the owner or driver of the offending vehicle does not have sufficient financial means to satisfy the award and pay the compensation to the victim or the dependants of a deceased victim. In such circumstances, the victim(s), who may already be suffering from physical injuries, loss of livelihood or permanent disability or dependents of deceased, are left remediless and have to bear the financial consequences. Therefore, the issue concerns larger public interest.

20. In view of the aforesaid, and considering that the matter raises an issue of public importance concerning uninsured vehicles, issue Court notice to *Mr. Sameer Vashisht*, Standing Counsel (Civil) for GNCTD (*Ph. No. 9818280821*).

21. GNCTD shall file a status report before the next date of hearing, furnishing data as to number of vehicles found to be plying on public roads in Delhi without valid third-party insurance during the last 10 years and number of prosecutions initiated under Section 196 of the MV Act during the aforesaid period and the penalty imposed thereupon. Status report shall also state as to steps, if any, contemplated or implemented, to tackle the issue of motor vehicles without mandatory third-party liability/insurance.

CM APPL. 78910/2026 (*seeking exemption from the statutory pre-deposit required under Section 173(1) of the MV Act*)

1. This application has been filed by the appellant stating that, considering

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that the appellant is unable to pay the compensation amount the motorcycle, which has been seized, may be auctioned in terms of Rule 6 of the Delhi Motor Accidents Claims Tribunal Rules, 2008, and the sale proceeds may be paid to the respondents/claimants. Rule 6 of the Delhi Motor Accidents Claims Tribunal Rules, 2008 is extracted as under for reference:

> "*6.Prohibition against release of motor vehicle involved in accident.-(1) No court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of registered owner or when the registered owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the registered owner furnishes sufficient security to the satisfaction of the court to pay compensation that may be awarded in a claim case arising out of such accident.*
> *(2) Where the motor vehicle is not covered by a policy of insurance against third party risks, or when registered owner of the motor vehicle fails to furnish copy of such policy in circumstance mentioned in subrule (1), the motor vehicle shall be sold off in public auction by the magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating police officer, and proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.*"
>
> (emphasis supplied)

2. In this view of the matter, the Court is of the opinion that this would be a fair interim solution to the issue of compensation to the deceased, even

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though inadequate.

3. Accordingly, issue Court Notice to *Ram Babu*/registered owner of the offending vehicle arrayed as respondent no. 2 before the MACT, on steps being taken by appellant through all permissible mode, including email etc.

4. As regards the statutory deposit, the same be deposited within the next 2 months.

5. List on 02nd December 2026.

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

ANISH DAYAL, J

NOVEMBER 18, 2026/RK/zb

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