



2025:DHC:7258



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

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*Date of Decision: 22.08.2025*

+ **CM(M) 1399/2025, CM APPL.46054/2025 & 46055/2025**

MOHD SHAMIM

.....Petitioner

Through: Ms. Pankaj Gupta, Advocate.

versus

SMT BALA AND ORS

.....Respondents

Through: Ms. Summan Bagga, Advocate for R-5.

**CORAM:**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**TARA VITASTA GANJU, J.: (Oral)**

**CM APPL.46054/2025/Exemption from filing certified copy]**

1. Allowed, subject to just exemptions.
2. The Application stands disposed of.

**CM(M) 1399/2025, CM APPL. 46055/2025/Stay]**

3. The present Petition has been filed on behalf of the Petitioner under Article 227 of the Constitution of India impugning the Order dated 14.05.2025 passed by the learned Presiding Officer, MACT, Shahdara, Karkardooma Courts, Delhi [hereinafter referred to as "Impugned Order"]. By the Impugned Order, the Application filed by the Insurance Company under Order I Rule 10 of the CPC has been allowed.

4. Briefly the facts are that on 09.02.2024 the deceased was driving a scooty and the offending vehicle collided with the vehicle of the deceased due to which deceased sustained grievous injuries. The Detailed Accident



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Report was filed thereafter on 09.05.2024. The Respondent No.5/Insurance Company filed an application for deletion of their name from the array of the parties. It was stated in the Application that the policy in the present case was fake

5. The learned Trial Court, after examining the Application gave a finding that the Insurance Policy of the offending vehicle has been forged and fabricated *qua* which an FIR No.22/24 has been registered. Since the FIR has been registered, the Application of the Insurance Company has been allowed. The relevant extract of the Impugned Order is set out below:

*“It has been submitted that the insurance policy of the offending vehicle in **question has been found to be forged and fabricated qua which FIR No. 22/24, PS Jafrabad, has already been registered.** The said facts are apparent on records. Hence, **the application at hand is hereby allowed** and insurance company stands deleted from the array of parties accordingly.”*

[Emphasis Supplied]

6. Issue Notice. Learned Counsel appearing on behalf of the Respondent No.5/Insurance Company accepts Notice and submits that since an FIR was registered, it can be concluded that the Insurance Policy was fabricated. Learned Counsel also submits that the Appellant will have to prove that the Insurance Policy was not forged.

7. This Court is unable to agree with the submission made by learned Counsel appearing for the Respondent No. 5/Insurance Company. The registration of an FIR would not give a conclusive finding in favour of a charge of forgery/fabrication. In any event, this would be a matter which has to be examined at the stage of trial, which has yet to take place.

8. In these circumstances, for the learned Trial Court to delete the



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Respondent No. 5/Insurance Company on the basis of registration of an FIR, at this stage, is not apposite.

9. Accordingly, the Impugned Order is set aside. The Petition is disposed of in the foregoing terms. Pending Applications, if any, stand closed.

10. It is clarified that the Court has not examined the case on merits. The order being passed is without prejudice to the rights and contentions of the parties.

11. The parties shall act based on the digitally signed copy of the Order.

**TARA VITASTA GANJU, J**

**AUGUST 22, 2025/g.joshi/ha**