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

% ***Reserved on : 20th February 2026***
Pronounced on : 10th March 2026
Uploaded on : 11th March 2026

\+ **MAC.APP. 409/2018 & CM APPL. 5837/2020**

MEENA SINGHAL & ORS .....Appellants

Through: Dr. Balram Singh, Advocate

versus

CHAMAN LAL & ORS (THE NATIONAL INSURANCE CO LTD) .....Respondents

Through: Mr. Manoj Ranjan Sinha, Mr. Vishal Agrawal, Mr. Purushottam and Ms. Saumya Parindiyal, Advocates for NIC.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

ANISH DAYAL, J.

1. This appeal has been filed assailing order dated 29th January 2018 passed by the Motor Accident Claims Tribunal- 02, Central- Tis Hazari Courts, Delhi ["***MACT***"] in *Petition No.356432/2016* titled as "*Meena Singhal & Ors. v. Chaman Lal & Ors*.", whereby the claim petition filed by appellants/Legal Representatives ["***LRs***"] of deceased *Shri Brij Kishore Singhal* was dismissed on account of there being no evidence to

prove negligence on part of the driver [*respondent no.1*] of bus bearing no. *JK-02-B 6826* [‘*offending vehicle’*].

Incident

2. The bus collided head-on with a *Maruti* Van on 27th October 1992 near Jammu. *Shri Brij Kishore Singhal,* along with his friends, was travelling in the *Maruti* Van. Three out of six passengers died and only three survived. *Praveen Goel* [**PW-5**] was one of the passengers who survived.

3. Counsel for appellant seeks to rely on testimony of said *Praveen Goel* [**PW-5**], as he was the survivor and an eyewitness to the said accident.

4. However, the impugned award holds that *Praveen Goel* [**PW-5**] was not a credible witness, since there were various discrepancies between what he stated before the MACT, and the statements made during criminal proceedings; particularly, at the time when **FIR No.163/1992** was registered at Police Station *Raj Bagh*, he stated that there were sixteen passengers travelling in the said vehicle.

5. Nonetheless, *Dr. Balram Singh,* counsel for appellants, argues that since the FIR and chargesheet note that the driver of offending bus was negligent, there could not have been any deviation by the MACT and, for this, he relies on the decision of the Supreme Court in ***National Insurance Co. Ltd. v. Chamundeswari*** (2021) 18 SCC 596.

6. *Dr. Balram Singh,* counsel for appellant, further submits that although the accident took place in 1992, the petition came to be filed only

in 2005, and the delay occurred because *Meena Singhal*/wife of deceased [*appellant herein*], was in complete shock, and was managing two children, and therefore could not approach the Courts for legal remedies.

7. Deceased was working as a typist with State Bank of India and drawing a salary of *Rs.3,530/-* per month.

8. Counsel for appellant submits that apart from LRs of deceased *Shri Brij Kishore Singhal*, no other injured or LRs of any other deceased in the said accident have filed any claim petition.

9. Regarding the issue of limitation, *Dr. Balram Singh,* counsel for appellant, contends that the provision prescribing limitation has since been removed and therefore, the benefit should accrue to the claimants.

10. *Mr. Manoj Ranjan Sinha,* counsel for respondent, states that the Act ought to be applied '*prospectively*' as per settled law and that testimony of *Praveen Goel* [**PW-5**] was riddled with inconsistencies.

Analysis

11. It would be apposite to address the issue of limitation at the very outset. For ease of reference, the provisions relating to limitation under the Motor Vehicles Act 1988 ["***MV Act***"], both prior and after amendments, are extracted as under:

a) Under the MV Act of 1939, Section 110-A (3) read as under:

> "*110-A. (3) No application for such compensation shall be entertained unless it is made within six months of the occurrence of the accident:*
> *Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months if it is satisfied that the applicant was*

prevented by sufficient cause from making the application in time."

(emphasis added)

b) The Act of 1939 was repealed with effect from 01st July 1989, and the new MV Act of 1988 [w.e.f 14th October 1988] provided *Section 166(3*) which read as under:

"*166. (3) No application for such compensation shall be entertained unless it is made within six months of the occurrence of the accident:*
Provided that the Claims Tribunal may entertain the application after the expiry of the said period of six months but not later than twelve months, if it is satisfied that the applicant was prevented by sufficient cause from making the application in time."

(emphasis added)

c) This position again changed when *Section 166 (3)* was ***omitted*** by way of the MV (Amendment) Act of 1994, with effect from 14th November 1994, whereby no period of limitation was prescribed for filing the claim petitions before the Tribunal. This legislative shift reflects the intent to treat the MV Act as a beneficial legislation and to prevent rejection of genuine claims on technical grounds.

12. Counsel for appellant stated that the law of limitation is procedural law in nature and, therefore, its '*retrospective*' application to enable the claimant to take advantage of the same, was recognized by the Supreme Court in ***New India Assurance Co. Ltd. v. C. Padma,*** (2003) 7 SCC 713, wherein it was held that Motor Vehicles Act 1988 is a beneficial

legislation aimed at providing relief to victims and is a self-contained Act which prescribes the mode of application and procedures to be followed.

13. Prior to the Amendment Act 1994, *Section 166 (3)* MV Act, prescribed six months of limitation, but had been deleted by the 1994 amendment w.e.f. 14th November 1994. The issue, therefore, considered was whether claim petitions filed after 14th November 1994 could be rejected by the Tribunal on the ground of limitation, stating that the period of 12 months, which was prescribed under previous pre-1994 amendment *Section 166 (3)* MV Act, when enforced, had extinguished their right and would not be revived after deletion of *Section 166 (3)* MV Act.

14. In this regard the Supreme Court held that by deleting *Section 166 (3)* MV Act, Parliament, in its wisdom, relieved the grave injustice and injury being caused to the families of victims and the intendment was to give effective reliefs to victims, untrammeled by the technicalities of limitation.

15. Therefore, in ***New India Assurance Co. Ltd. v. C. Padma*** *(supra*) in relation to accident that took place on 18th February 1989, a claim petition filed on 2nd November 1995. The plea of limitation raised by the Insurance Company was dismissed by the Tribunal, which was upheld by the High Court, and the Supreme Court endorsed the said decision.

16. Counsel for the respondent *Mr. Manoj Ranjan Sinha*, however, relied upon ***P. Mahendran v. State of Karnataka*** (1990) 1 SCC 411, wherein the Supreme Court noted that it is a well-settled rule of construction that every statute or statutory rule is '*prospective*' unless it is

expressly or by necessary implication made to have '*retrospective'* effect. Relevant paragraph is extracted as under:

> "*5. It is well settled rule of construction that every statute or statutory rule is prospective unless it is expressly or by necessary implication made to have retrospective effect. Unless there are words in the statute or in the Rules showing the intention to affect existing rights the rule must be held to be prospective. If a rule is expressed in language which is fairly capable of either interpretation it ought to be construed as prospective only. In the absence of any express provision or necessary intendment the rule cannot be given retrospective effect except in matter of procedure. The amending Rules of 1987 do not contain any express provision giving the amendment retrospective effect nor there is anything therein showing the necessary intendment for enforcing the rule with retrospective effect. Since the amending Rules were not retrospective, it could not adversely affect the right of those candidates who were qualified for selection and appointment on the date they applied for the post, moreover as the process of selection had already commenced when the amending Rules came into force, the amended Rules could not affect the existing rights of those candidates who were being considered for selection as they possessed the requisite qualifications prescribed by the Rules before its amendment moreover construction of amending Rules should be made in a reasonable manner to avoid unnecessary hardship to those who have no control over the subject matter*."
>
> (emphasis added)

17. More importantly, in order to counter the decision in ***New India Assurance Co. Ltd. v. C. Padma*** (*supra*), reliance was placed on ***Purohit***

& Co. v. Khatoonbee (2017) 4 SCC 783 which was subsequent to ***New India Assurance Co. Ltd. v. C. Padma*** (*supra*).

18. In ***Purohit & Co. v. Khatoonbee*** (*supra*), the Supreme Court was dealing with an accident that occurred on 2nd February 1977 while the claim petition was filed on 23rd February 2005, after a period of *28 years*. The Tribunal entertained the claim; it was challenged before the High Court on the ground that the claim was belated and could not survive. The High Court also upheld the justiciability of the claim petition on the ground that no period of limitation had been provided under the MV Act 1988. The Supreme Court in ***Purohit & Co. v. Khatoonbee*** (*supra*) referred to ***New India Assurance Co. Ltd. v. C. Padma*** (*supra*) particularly *paragraph 8* of the decision, and a previous decision in ***Dhannalal v. P. Vijayvargiya & Ors***. (1996) 4 SCC 652.

19. The crux of this discussion and the opinion of the Supreme Court is that a claim would become '*stale'* and should be treated as a '*dead claim'* when the claimants approach the Tribunal after an unreasonably long time. What is important is that the Court emphatically states that the individual concerned must approach the Tribunal within a reasonable time and that the question of reasonableness depends on the facts and circumstances of each case.

20. For this purpose, it is important to have a view on the sequence of events that have taken place in the long history of this particular claim:

a. The date of the accident was 27th December 1992; the claim petition was finally filed on 30th May 2005 and only on behalf of

the LRs of the deceased, the appellant herein. As stated by counsel for appellant, no other claim petitions were preferred on behalf of the other deceased and injured in the same accident. The claim petition was admittedly filed without an application for condonation of delay.

b. Even this petition was not pursued by the appellant and was dismissed in default. By order dated 4th March of 2006, the same was restored; however, it was again not prosecuted diligently and was dismissed for default on 30th October 2006.

c. Yet again the matter the matter restored by order dated 17th July 2008 and yet again was not prosecuted by the appellant and was dismissed in default for the third time on 21st February 2009. It was finally restored on 27th July 2011. The matter was finally heard by the MACT (Central) which framed issues by ordered it in 22nd April 2014 and 29th January 2018.

d. This resulted in decision by the MACT concluding that the claimants have failed to establish negligence on part of *Chaman Lal,* driver and owner [respondent no.1] of the alleged offending vehicle, and therefore, no claim was made out.

21. On the issue whether the petition was filed within reasonable time, reliance was placed before MACT by claimant on ***Dhannalal v. P. Vijayvargiya & Ors***. *(supra)* whereas Insurance Company relied on ***Purohit & Co. v. Khatoonbee*** (*supra*). The MACT considered these decisions and discussed both these decisions as also ***Haryana State***

Cooperative Land Development Plan v. Neelam (2005) 5 SCC 91, the last being decision a decision on Industrial Disputes Act where no period of limitation was prescribed but the Apex Court came to a conclusion that the claim raised after *7 years* was not a surviving claim and hence not maintainable. For ease of reference, said paragraphs of the impugned award are extracted as under:

> *"16. To prove Issue No. (iiA) i.e. whether the petition has been filed within reasonable time, both the counsels relied upon certain judgments, details of which are given as under:–*
> *The claimant has relied upon the judgment titled as Dhanna Lal Vs DP Vijayvargiya & Ors AIR 1996 SC 295 whereas the insurance company has relied upon M/s Prohit & Company Vs Khatoonbee and Anrs. Civil Appeal No. 2555 of 2017 arising out of SLP (C No. 25760 of 2015).*
> *It is argued by Ld. Counsel for the claimants that no period of limitation has been provided for raising a claim for compensation under the Motor Vehicles Act.*
> *17. <u>On the other hand, Ld. Counsel for the insurance company argued to reject the claim petition for the reason that the claim petition has been filed after twelve years of the accident and not within reasonable time and no reason has been put forth for not filing the claim within reasonable time.</u>*
> *<u>Hon'ble Supreme Court in M/s Prohit & Company Vs Khatoonbee and Anrs. Civil Appeal No. 2555 of 2017 arising out of SLP (C No. 25760 of 2015)</u>, has held that….*
> *18. The Hon'ble Supreme Court while deciding the appeal in M/s Prohit & Company Vs Khatooobee & Ors (Supra), also discussed Dhanna Lal's case*

(supra) and various other cases of Motor Vehicle Act, Consumer Protection Act and Industrial Disputes Act and some of the cases are as under:–

In Corporation Bank Vs. Navin J. Shah (2000) 2 SCC 628, the Hon'ble Supreme Court has held that

"a claim could not have been filed by the respondent at this distance of time. Indeed, at the relevant time there was no period of limitation under the Consumer Protection Act to prefer a claim before the commission but that does not mean that the claim could be made even after an unreasonably long delay.

In those circumstances, the claim, if at all, was to be made, ought to have been made within a reasonable time what is a reasonable time to lay a claim depends upon the facts of each case. In the legislative wisdom, three years period has been prescribed as the reasonable time under the Limitation Act to lay a claim for money. We think that period should be the appropriate standard adopted for computing reasonable time to raise a claim in the matter of this nature. For this reason also, we find that the claim made by the respondents ought to have been rejected by the Commission".

19. In the above mentioned judgment, the claim was under Consumer Protection Act and there was a delay of about 10 years and no period of limitation was prescribed and the Hon'ble Court held the same as not maintainable.

20. In Haryana State Cooperative Land Development Bank Vs Neelam (2005) 5 SCC 91, has held that

"In Nedungadi Bank Ltd (2001) 6 SCC 222, a bench of this Court, where S. Saghir Ahmed was a member opined that law does not prescribe any

time limit for the appropriate government to exercise its power Under Section 10 of the Act. It is not that this power can be exercised at any point of time and to revive matter which has since been settled. There appears to us to be no rational basis on which the Central Government has exercised powers in this case after a lapse of about seven years of order dismissing the respondent from service. At the time, reference was made, no industrial dispute existed or could be even said to have been apprehended. A dispute which is stale could not be the subject matter of a reference Under Section 10 of the Act.

The conduct of the respondent in approaching the labour court after more than seven years had therefore been considered to be a relevant factor by the Labour Court for refusing the grant any relief to her. Such a consideration on the part of the Labour Court cannot be said to be an irrelevant one. The Labour Court in the aforementioned situation cannot be said to have exercised its discretionary jurisdiction injudiciously, arbitrarily and capriciously warranting interference at the hands of the High Court in exercise of its discretionary jurisdiction under Article 226 of the Constitution".

21. The abovementioned judgment was on Industrial Disputes Act wherein also no period of limitation is prescribed to approach the Industrial Tribunal but despite that the Hon'ble Apex Court came to the conclusion that a claim raised after a period of seven years was not a surviving claim and therefore, the claim petition was held to be not maintainable.

22. In the present case, the accident occurred on 27/12/1992 and the petition for compensation was

filed on 30/05/2005, i.e. after a lapse of more than 12 years. The delay for filing the claim petition has nowhere explained in the petition. No application U/s 5 of Limitation Act for condoning the delay in filing the petition has been filed.

In view of the above discussion, I am of the view that the petition has not been filed within the reasonable time."

(emphasis added)

22. Considering that the claim had been filed after lapse of more than *12 years* and delay was neither explained nor was any application filed under S*ection 5* of the Limitation Act 1963, the MACT held that petition was not maintainable.

23. An appeal against this decision was filed in April 2018; however, the matter was dismissed in default on 15th July 2025 by this Court and, upon an application, was again restored on 7th November 2025, after which the matter has come up before this Court for adjudication.

24. Having heard the parties on the point of limitation and perusing the record in detail, it is an admitted position that there is no dispute about the sequence of events and journey of litigation narrated above. It is quite clear that not only the appellant chose not to file their claim petition for *12 years*, but also was not diligent enough to pursue it after filing, and the matter was dismissed in default thrice before the MACT.

25. The MACT was benevolent in restoring it, and the matter was finally assessed by impugned order dated 29th January 2018. Yet again, after filing appeal, it was not pursued by appellant; and the matter was

dismissed in default by this Court and yet again restored, and is now being adjudicated.

26. It is quite clear that not only was the claim petition filed with an unreasonable delay of *12 years*, and though appellant chose to knock on doors of the Court, they were not inclined to pursue it. The explanation given by appellants' counsel that delay was on account of fact that appellant/wife of deceased was in complete shock and was managing two children, and, therefore, could not approach the Court for legal remedies, at first blush may invite empathy of this Court, but it cannot stretch to an extent where the Court does not take into account the complete lethargy repeatedly on part of appellant/claimant.

27. The other issue that needs consideration is with respect to limitation, which, if taken from view point of ***New India Assurance Co. Ltd. v. C. Padma*** (*supra*), would invite this Court to accept the claim despite the bar of limitation being prescribed pre-1994, as per previous *Section 166 (3)* MV Act. Merely because it was filed after 1994 amendment came into effect on 14th November 1994, the aspect of limitation would not come in the way as per ***New India Assurance Co. Ltd. v. C. Padma*** (*supra*). However, ***New India Assurance Co. Ltd. v. C. Padma*** (*supra*) dealt with a situation where the accident took place in 1989 and claim petition was filed in 1995, just about a year after deletion of *Section 166 (3)* MV Act. The Supreme Court, in order to keep the objective of beneficial legislation intact, took an expansive view and held in favour of allowing the claim.

28. In the present case, the claim is filed after *10 years* of the amendment in 1994 and, therefore, it will have to be seen from prism of decision in ***Purohit & Co. v. Khatoonbee*** (*supra*) where the Court rejected admission of a claim which was made after *28 years*. The issue is not whether it is *12 year* delay in the present case or a *28 year* delay ***Purohit & Co. v. Khatoonbee*** (*supra*), but whether filling of claim itself was unreasonably delayed. Though, the issue of unreasonableness was not expanded in ***Purohit & Co. v. Khatoonbee*** (*supra*), the Supreme Court clearly deemed it to depend on the facts and circumstances of case.

29. In this case, there is not only delay of *12 years* in approaching the Courts, having suffered bar of limitation of six months from the date of accident, but also a consistent inability to pursue the case before the MACT and later before this Court. This, in opinion of this Court, brings it within realm of unreasonableness and, therefore, renders it as a '*stale'* claim.

30. It is not even a situation where a claimant approaches the Court having a co-injured/co-deceased's claim has been admitted and therefore approaches the Court to obtain the same benefit. This is a case where admittedly no other injured or family of deceased in the same accident ever filed a claim, for reasons best known to them, and only wife of deceased has chosen to suddenly present a claim after *12 years*, and as mentioned earlier, chose not to press it time and again.

31. For a full conspectus, it will be useful to extract relevant paragraphs of ***Purohit & Co. v. Khatoonbee*** (*supra*):

*"**8**. The second judgment on which reliance was placed, was New India Assurance Co. Ltd. v. C. Padma [New India Assurance Co. Ltd. v. C. Padma, (2003) 7 SCC 713 : 2003 SCC (Cri) 1709] , wherein also, the matter was adjudicated on the same lines by observing as under : (SCC pp. 718-19, paras 10-12)*

> *"10. The ratio laid down in Dhannalal case [Dhannalal v. D.P. Vijayvargiya, (1996) 4 SCC 652 : 1996 SCC (Cri) 816] applies with full force to the facts of the present case. When the claim petition was filed sub-section (3) of Section 166 had been omitted. Thus, the Tribunal was bound to entertain the claim petition without taking note of the date on which the accident took place. Faced with this situation, Mr Kapoor submitted that Dhannalal case [Dhannalal v. D.P. Vijayvargiya, (1996) 4 SCC 652 : 1996 SCC (Cri) 816] does not consider Section 6-A of the General Clauses Act and therefore, needs to be reconsidered. We are unable to accept the submission. Section 6-A of the General Clauses Act, undoubtedly, provides that the repeal of a provision will not affect the continuance of the enactment so repealed and in operation at the time of repeal. However, this is subject to "unless a different intention appears". In Dhannalal case [Dhannalal v. D.P. Vijayvargiya, (1996) 4 SCC 652 : 1996 SCC (Cri) 816] the reason for the deletion of sub-section (3) of Section 166 has been set out. It is noted that Parliament realised the grave injustice and injury caused to heirs and legal representatives of the victims of accidents if the claim petition was rejected only on the ground of limitation. Thus "the different intention"*

clearly appears and Section 6-A of the General Clauses Act would not apply.

11. Mr Kapoor, learned counsel for the appellant, has placed reliance on the decision rendered by this Court in Vinod Gurudas Raikar v. National Insurance Co. Ltd. [Vinod Gurudas Raikar v. National Insurance Co. Ltd., (1991) 4 SCC 333] The facts of that case were that the appellant was injured in an accident, which took place on 22-1-1989. The claim petition of the appellant was filed on 15-3-1990 with a prayer for condonation of delay. The Tribunal held that in view of sub-section (3) of Section 166 of the new Motor Vehicles Act, which came into force on 1-7-1989, the delay of more than six months could not be condoned. In the facts and circumstances of that case this Court held that the case of the appellant was covered by the new Act and the delay for a longer period than six months could not be condoned. In our view, the facts of the case in Vinod Gurudas [Vinod Gurudas Raikar v. National Insurance Co. Ltd., (1991) 4 SCC 333] are different from the facts of the present case, as noticed above.

12. The learned counsel for the appellant, next contended that since no period of limitation has been prescribed by the legislature, Article 137 of the Limitation Act may be invoked, otherwise, according to him, stale claims would be encouraged leading to multiplicity of litigation for non-prescribing the period of limitation. We are unable to countenance the contention of the appellant for more than one reason. Firstly, such an Act like the Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, if otherwise the

claim is found genuine. Secondly, it is a self-contained Act which prescribes the mode of filing the application, procedure to be followed and award to be made. Parliament, in its wisdom, realised the grave injustice and injury being caused to the heirs and legal representatives of the victims who suffer bodily injuries/die in accidents, by rejecting their claim petitions at the threshold on the ground of limitation, and purposely deleted sub-section (3) of Section 166, which provided the period of limitation for filing the claim petitions and this being the intendment of the legislature to give effective relief to the victims and the families of the motor accidents untrammelled by the technicalities of the limitation, invoking of Article 137 of the Limitation Act would defeat the intendment of the legislature."

(emphasis supplied)

Based on the aforesaid determination rendered by this Court, the High Court, by its impugned order dated 7-7-2015 [Purohit & Company v. Khatoonbe, 2015 SCC OnLine Bom 8401] , arrived at the conclusion, that there being no period of limitation at the juncture, when the claim petition was filed on 23-2-2005, the same could not have been rejected, merely for reason of delay.

……

***15.** We are satisfied, that the submission advanced at the hands of the learned counsel for the appellant merits acceptance. The judgments on which the High Court had relied, and on which the respondents have emphasised, in our considered view, are not an impediment, to the acceptance of the submission canvassed on behalf of the appellant. We say so,*

because in Dhannalal case [Dhannalal v. D.P. Vijayvargiya, (1996) 4 SCC 652 : 1996 SCC (Cri) 816] the question of inordinate delay in approaching the Motor Accidents Claims Tribunal, was not considered. In the second judgment in C. Padma case [New India Assurance Co. Ltd. v. C. Padma, (2003) 7 SCC 713 : 2003 SCC (Cri) 1709] , it was considered. And in C. Padma case [New India Assurance Co. Ltd. v. C. Padma, (2003) 7 SCC 713 : 2003 SCC (Cri) 1709] , the first conclusion drawn in SCC p. 718, para 12 was "... if otherwise the claim is found genuine...". We are of the considered view, that a claim raised before the Motor Accidents Claims Tribunal, can be considered to be genuine, so long as it is a live and surviving claim. We are satisfied in accepting the declared position of law, expressed in the judgments relied upon by the learned counsel for the appellant. It is not as if, it can be open to all and sundry, to approach a Motor Accidents Claims Tribunal, to raise a claim for compensation, at any juncture, after the accident had taken place. The individual concerned, must approach the Tribunal within a reasonable time.

16. *The question of reasonability would naturally depend on the facts and circumstances of each case. We are however, satisfied, that a delay of 28 years, even without reference to any other fact, cannot be considered as a prima facie reasonable period, for approaching the Motor Accidents Claims Tribunal. The only justification indicated by the respondents, for initiating proceedings after a lapse of 28 years, emerges from Para 4, contained in the application for condonation of delay, filed by the claimants, before the Tribunal. Para 4 aforementioned is extracted hereunder:*

> *"4. That the petitioners are poor person and they have no knowledge about the Law. Also the respondent has not pay the single pie towards any compensation."*
>
> ***17.*** *Having given our thoughtful consideration to the justification expressed at the behest of the respondents, for approaching the Tribunal, after a period of 28 years, we are of the view, that the explanation tendered, cannot be accepted. Undoubtedly, the claim (pertaining to an accident which had occurred on 2-2-1977), in the facts and circumstances of the instant case, was stale, and ought to have been treated as a dead claim, at the point of time, when the respondents approached the Tribunal by filing a claim petition, on 23-2-2005.*
>
> ***18.*** *In view of the reasons recorded hereinabove, we hereby set aside the impugned order dated 7-7-2015 [Purohit & Company v. Khatoonbe, 2015 SCC OnLine Bom 8401] , and allow the instant appeal, by holding, that the claim raised by the respondents before the Motor Accidents Claims Tribunal, was not a surviving claim, when the respondents approached the said Tribunal.*"
>
> (emphasis added)

32. This Court is therefore not inclined to entertain this appeal on this ground alone. However, a brief discussion on merits is being provided to satisfy the conscience of the Court on this being a genuine claim.

33. Counsel for appellant relied on the evidence of *Praveen Goel* [**PW-5**], who was an eyewitness to the said accident since he was travelling with his other friends in the Maruti Van. His testimony, extracted hereunder,

speaks for itself, being sketchy, sparse and extremely vague, and does not inspire confidence.

> *"I am eyewitness of the accident. On 26.12.1992 I along with my six friends went to visit Vashaiono Devi Shrine by a maruti Van. I do not recollect the number of said van. On 27.12.1992 during afternoon our van met with an accident with a bus of Jammu Roadways. I do not recollect the registration number of bus involved in the accident. Three of my friends namely Brij Kishore Singhal, Ashok Kumar and also another Ashok Kumar died at the spot and I along with two other friends, one of them was Mr. Guglani and name of other I do not recollect had suffered injuries and were brought to Government Hospital, Kathwa. Later on we were referred to Government Hospital, Jammu and on the next day I along with Mr. Guglani were discharged and we came to Delhi. The above said accident took place due to sole negligence of driver of bus.*
>
> ***XXXXX by Sh. S.C. Sharma, Advocate for The National Insurance Company Ltd.***
>
> *The accident took place on the next day at about 11:00-12:00 noon. Sh. Ashok Kumr was driving the maruti van, who was one of the occupants. I have no knowledge regarding the ownership of Maruti Van. Accident took place on highway. There was no divider between the road. We stopped on the way two-three times for one and half hours. There were two to three vehicles can pass through the road. I became unconscious after the accident. Police interrogated me in the Kathwa hospital on the same day. I have not seen the offending bus after the accident. I was sitting along with driver. The accident took place on the*

center of the road. It was head on collision. I do not remember the distance between the bus and car. I had seen the bus just before the accident. It was a straight road and there were no turn and divider. The road was not so busy. I cannot say regarding the lodging of police report. It is wrong to suggest that accident took place due to negligence of driver of maruti van. It is further wrong to suggest that I was sleeping at the time of accident and had not seen the accident. It is wrong to suggest that the bus was falsely implicated in the present accident. It is further wrong to suggest that I am deposing falsely."

(emphasis added)

34. Moreover, if there was a collision, it is not clear whether it was with the alleged offending vehicle. It can otherwise be seen from testimony of *Praveen Goel* [**PW-5**] that it was not a busy road; it was a straight road with no turn or divider and accident took place in centre of road. The evidence assessed does not warrant interference with the conclusion that the claimants have failed to establish negligence on the part of the respondent no.1, driver of the offending vehicle.

35. The MACT referred to testimony of *Ajay Pal Singh* [**PW4**] and to decision in ***National Insurance Co. Ltd. v. Pushpa Rana*** 2007 SCC OnLine Del 1700, wherein it was held that FIR and chargesheet would be sufficient proof to hold that the driver was negligent.

36. The MACT held that claimants did not place on record any acceptable evidence to establish that the accident involved the vehicle in question or whether the driver of that vehicle was in fact at fault for causing the accident.

37. The FIR was registered and statement of *Praveen Goel* [**PW-5**] was recorded. The MACT noted that no official from *Police Station Rajmarg, Jammu,* called to prove the FIR. Even otherwise, claimants were silent about criminal record, chargesheet, insurance, mechanical inspection. *Praveen Goel's* [**PW-5**] statement in FIR states that 16 passengers were travelling in the Maruti Van, which could be considered as overloading. No Driving License was produced either of Maruti Van driver or that of *Chaman Lal*, [respondent no.1.] nor any permit.

38. The MACT has therefore rightly noted that there was nothing to prove as to how death occurred since no document was placed on record to support the same. Even in these circumstances, it would be difficult to set aside the order of the MACT, as claim cannot be admitted in light of such significant gaps, even on preponderance of probabilities. There was no material before the MACT from any source which could have persuaded the MACT to consider the possibility that the accident was caused by the particular offending bus or that fatal error was not committed by the driver of the Maruti van.

39. In these circumstances, the appeal stands dismissed.

40. Pending applications, if any, are rendered infructuous.

41. Judgment be uploaded on the website of this Court.

ANISH DAYAL
(JUDGE)

MARCH 10, 2026/sm/tk