

Misc DJ No. 2775/24
NARMADA Vs. VISHNU
&
Misc DJ No. 2776/24
RAJNI Vs. VISHNU

31.01.2026

Present: Mr. Gorang Goyal, Ld. LAC for the claimant along with Ms. Narmada, wife of deceased.

Mr. Shankar, father of the deceased /offending vehicle driver in person along with Ms. Shruti and Ms. Rudrakshi, Ld. Counsels.

1. Status report is filed by ASI Satish Kumar from PS South Campus, Delhi seeking some more time to auction the offending vehicle. The SHO concerned is directed to take necessary steps in this regard.
2. A short note of submissions is filed on behalf of claimant. Copy of the same be supplied to the opposite party.
3. In the present case, victim Sh. Surender Kumar Ahirwar who was a cyclist lost his life in a road accident. He is survived by his wife and two minor children.
4. As per the Charge Sheet in FIR No. 0071/24 under Section 279/338/427/304A IPC, PS South Campus, Delhi, a road accident had occurred when the car bearing registration no. DL 1K 8530 driven by Mr. Vishnu, hit the cyclist Mr. Surender Kumar Ahirwar and thereafter car driver Mr. Vishnu (deceased) lost his balance and hit against a pole. The driver of the offending vehicle Mr. Vishnu and cyclist Mr. Surender Kumar Ahirwar died in the accident. The legal heirs of the victim as well as the driver of offending vehicle are appearing in the present matter and facing this litigation.

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5. As per the charge sheet, the offending vehicle/ car was not insured at the time of accident. The directions have already been issued to auction the offending vehicle but the registration date of the said vehicle is of the year 2014, and I find merits in the submissions made by Ld. Counsel for the claimant that it is not going to fetch sufficient amount for compensation. The driver of the offending vehicle has died and his parents submit that they are poor and live in Jhuggi and they have not inherited any property from their deceased son / driver Mr. Vishnu. They submit that they are old persons and struggling in life to meet their livelihood.

6. Vide Order dated 26.11.2025, a request was made to the Ld. Secretary, New Delhi District Legal Services Authority (NDDLSA) to assist the Tribunal and apprise whether question regarding grant of compensation can be considered by NDDLSA. In this regard Ld. Secretary, NDDLSA had filed a report dated 17.12.2025 informing that they provide compensation only in hit and run cases where untrace report is filed by the police and the present case do not fall in that category.

7. Ld. counsel for claimant submits that offending vehicle was uninsured and the case of the claimant is not covered in the **Cashless Treatment of Road Accident Victims Scheme, 2025 and Scheme for Compensation to victims of Hit and Run Motor Accidents, 2021**. He submits that there is a policy vacuum in present circumstances, where the driver-cum-owner of the offending vehicle had died in the accident and there is no property which can be attached to provide compensation to the family of the victim. He requests that due to this policy vacuum request be made to the Ministry of Road Transport and Highways (MoRTH), Government of India

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to assist the family of the victim from the schemes like Pradhanmantri National Relief Fund / PM Care Scheme or any other benevolent scheme run by the Government of India.

8. I find merits in the submissions made by Ld. Counsel for claimant. The driver-cum-owner and driver of the offending vehicle had died in road accident. His parents are poor persons who live in Jhuggi and do not have any estate inherited from the deceased driver Mr. Vishnu. The case of the victim is not covered in the scheme of DLSA or any other scheme. There is a clear policy vacuum and the family of the victim / cyclist cannot be left to struggle with fate.

10. In these peculiar circumstances, the assistance of MoRTH is necessary to understand if there is any policy / scheme wherein peculiar cases like present one can be covered to provide compensation to the families of road accident victims.

11. Accordingly, a copy of this order be communicated to the Worthy Secretary, Ministry of Road Transport and Highways (MoRTH), Government of India with a request to depute a representative to assist the Tribunal on the next date of hearing and apprise whether the family of victim can be compensated under such scheme / policy that are being run by the Government of India.

Now to come up for further proceedings on **27.02.2026**.

(Abhilash Malhotra)
Judge/PO,MACT-02,PHC
New Delhi /31.01.2026 (s)