



Presented on : 31-05-2023
Registered on : 31-05-2023
Decided on : 09-06-2026
Duration : 3 years, 0 months, 9 days

IN THE COURT OF
DJ1(NW)/MACT, NORTH WEST DISTRICT DELHI
Presided Over by Sh. Vikram

M A C T/499/2023
FIR No.600/22, PS North Rohini

In the matter of :

1. *Umed Singh*
S/o Late Sh. Chandan Singh,
R/o 905, Gali no.21A, Swatantra, Nagar, Narela, Delhi.

.....Petitioner

vs.

1. *Sh. Durga Prasad*
S/o Sh. Mangi
R/o H.No.578, F Badli Village, Delhi and
H.No.436 (2), Sharma Colony, Prahlad Vihar,
Pansali, Delhi.

.....Driver/Respondent no.1

2. *Sh. Sanjeev Kumar @ Sanju*
S/o Sh. Sita Ram Mandal
R/o H.No.A-23, Gali no.12, Badli Village,
Delhi.

.....Possession Owner/Respondent no.2

3. *Lal Bahadur
S/o Moti Lal,
R/o H.No.564, East Part of Outer North Badli Village,
Libaspur, Samaipur, Delhi.*

.....Registered owner/Respondent no.3.

*Appearance (s):Sh. Dhruv Sisodia, Ld. Counsel for the petitioner.
Respondents are exparte.*

JUDGMENT/AWARD

1. Vide this judgment/award, I shall dispose off the DAR bearing no.499/23 filed by IO HC Sukhram with regard to the injuries suffered by Umed Singh, (*in short, the injurea*), in a road vehicular accident on 24.12.2022.
2. Brief facts as per DAR are that on 24.12.2022, the petitioner was crossing the road for going towards the District Court Rohini, all of a sudden, a vehicle bearing registration no.DL-11ER-9129 driven by its driver/respondent no.1 at a high speed, hit the injured due to which he fell on the road and sustained injuries. An FIR no. 600/22 was registered at PS North Rohini for offences punishable under Section 279/337 IPC & 3/181, 5/180 & 146/196 M.V. Act.
3. As no written statement was filed on behalf of respondent no.2 and 3, they were proceeded ex-parte.
4. Written statement was filed on behalf of R1, and it is submitted that no such accident took place from the vehicle of respondent no.1, therefore, the present DAR is liable to be dismissed.

ISSUES:

5. After completion of pleadings, following issues were framed by this Tribunal on 16.03.2024: -

- 1. Whether petitioner Umed Singh S/o Late Sh. Chandan Singh suffered injuries in road traffic accident on 24.12.2022 at about 10:00 am, Near Madhuban Chowk way to Rithala Road, Delhi due to rash and negligent driving of offending vehicle bearing registration no.DL-11ER-9129 which was being driven by driver Durga Prasad S/o Mangi on the said date, time and place? OPP.*
- 2. Whether the petitioner/injured is entitled for compensation, if so, to what amount and from whom? OPP.*
- 3. Relief.*

6. However, after settlement of issues, even R1 stopped appearing, proceeded ex parte.

EX. PARTE EVIDENCE:

7. Thereafter, the matter was fixed for ex-parte evidence. Sh. Umed Singh has been examined as Pw1 who tendered his evidence by way of affidavit ExPW1/A in which he deposed about the accident and the involving of offending vehicle and negligence of R1 and relied on following documents:

1. DAR is Ex.PW-1/1.
2. Photocopy of Medical documents and bills of petitioner are Ex.PW-1/2 (OSR) (running into 16 pages).

8. No witness was examined on behalf of respondents.

9. Therefore, I have heard Ld. Counsel for the petitioner and have gone through the testimony of witness and the

documents.

10. Sh. Umed Singh has examined himself to prove the rash and negligent driving of respondent no.1. He deposed that R1 was driving the offending vehicle in a high speed, rashly and negligently and hit him. The respondent no.1 filed WS disputing the DAR but stopped appearing thereafter, was also proceeded ex parte. The ocular testimony of petitioner was remained unchallenged and uncontroverted from the side of respondents, who preferred not to contest the DAR/claim and stayed away from the proceedings. Thus, there is no reason to disbelieve the testimony of Pw1, made on oath.
11. Keeping in view the facts & evidence produced by the petitioner, it has proved on record that the said accident has taken place due to the rash and negligent driving of the offending vehicle driven by respondent no.1, as a result of which the petitioner has sustained injuries. Needless to say, the injuries mentioned in the MLC of petitioner are “simple” which are sustained in motor vehicular accident.
12. In *Bimla Devi & Ors vs. Himachal Road Transport Corporation & ors (2009) 13 SC 530*, in *Kaushnumma Begum and others v/s New India Assurance Company Limited, 2001 ACJ 421 SC*, in *National Insurance Co. Ltd. vs. Pushpa Rana cited as 2009 ACJ 287*, it has been held that the negligence has to be decided on the touchstone of preponderance of probabilities and a holistic view is to be taken. It has been further held that the proceedings under the

Act are not akin to the proceedings in a civil suit and hence, strict rules of evidence are not applicable. In view of the aforesaid discussion and the evidence which has come on record, it is held that the rashness and negligence on the part of respondent no.1/driver is clearly visible and as such, he was responsible not only for this accident, but also for everything that followed thereafter.

COMPENSATION

13. To assess the compensation in personal injury cases arising out of rash and negligent driving of motor vehicle while awarding compensation the Hon'ble Supreme Court in ***Sanjay Kumar v. Ashok Kumar & Anr. (2014) 5 SCC 330*** held the heads under which compensation is awarded, which are reproduced as under :-

Pecuniary damages

- (i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure.*
- (ii) Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising:-*
 - (a) Loss of earning during the period of treatment;*
 - (b) Loss of future earnings on account of permanent disability.*
- (iii) Future medical expenses.*

Non pecuniary damages (General damage)

- (iv) Damages for pain, suffering and trauma as a consequence of the injuries.*
- (v) Loss of amenities (and/or loss of prospects of marriage).*
- (vi) Loss of expectation of life (shortening of normal longevity).*

14. In routine personal injury cases, compensation will be

awarded only under heads (i), (ii) (a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life. In the case in hand, it is noticed that the case of the claimant/petitioner is a serious case of injury/amputation.

MEDICAL EXPENSES

15. Petitioner has filed medical bills and documents Ex.PW-1/2. Ex.PW-1/2 is only the medical treatment but not the medical bills. Therefore, there is no point of giving any compensation under this head. Hence, no compensation is awarded to the petitioner under this head.

PAIN AND SUFFERING

16. Hon'ble Delhi High Court in the matter titled as ***Vinod Kumar Bitoo v Roshni & Ors.*** in ***MAC. App. 518/2010***, has held as under:-

“It is difficult to measure the pain and suffering in terms of money which is suffered by a victim on account of serious injuries caused to him in a motor vehicle accident. Since the compensation is required to be paid for pain and suffering an attempt must be made to award compensation which may have some objective relation with the pain and suffering underwent by the victim. For this purpose, the Claims Tribunal and the Courts normally consider the nature of injury; the part of the body where the injuries were sustained, surgeries, if any, underwent by the victim,

confinement in the hospital and the duration of treatment”.

17. It is evident from the MLC that petitioner had suffered “**simple injuries**”, in the said accident. Considering the nature of injuries sustained by the petitioner in view of the treatment record brought on record, it is apparent that he would have undergone some physical sufferings and mental shock on account of the accident in question. Keeping in view the nature of injuries suffered by him, I hereby award a sum of ***Rs.20,000/- (Rupees Twenty Thousand Only)*** towards pain and sufferings to the petitioner.

COMPENSATION FOR CONVEYANCE & SPECIAL DIET

18. Though there is no cogent evidence on record for the money spent by the petitioner on conveyance and special diet, yet considering the nature of injuries suffered by the petitioner and duration of his treatment in the hospital, I am of the opinion that petitioner must have spent some sum under this head. Hence, I hereby grant compensation of ***Rs. 5,000/- (Rupees Five Thousand Only)*** for expenses incurred on conveyance and Special Diet.

COMPENSATION TOWARDS ATTENDANT CHARGES

19. Though, there is no cogent evidence on record for the money spent by the petitioner for attendant, yet as the injuries sustained by petitioner are simple in nature, I am of the opinion that no compensation is to be awarded by petitioner under this head.

Thus, the total compensation is assessed as under : -

Sr. No.	Head	Amount (Rs.)
1	Medical expenses	Nil
2	Pain & Suffering	20,000/-
3	Conveyance and Special Diet	5,000/-
4	Attendant charges	Nil
	Total	25,000/-

ISSUE NO.3: RELIEF

20. In view of the aforesaid discussion, I award compensation of **Rs.25,000/- (Rupees Twenty Five Thousand Only)** including Interim Award, if any, alongwith interest @ 9 % per annum in favour of petitioner/claimant and against the respondents. As the offending vehicle was not insured, all respondents are directed to deposit the Award amount with SBI, Rohini Courts Branch within 30 days as per above order, failing which respondent shall be liable to pay interest @ 12 % p.a for the period of delay.

APPORTIONMENT

21. The entire amount alongwith interest be released to petitioner in his bank account.
22. Concerned Manager, SBI, Rohini Court Branch is directed to transfer the entire amount alongwith interest immediately to petitioner in his saving bank account, on completing necessary formalities as per rules.
23. **Form V and IVB in terms of MCTAP are annexed herewith as Annexure-A.**

24. A separate file be prepared for compliance report by the Nazir and put up the same on 09.07.2026.

File be consigned to record room after due compliance.

**ANNOUNCED IN THE OPEN COURT
ON 9th DAY OF JUNE, 2026**

**VIKRAM
DJ-1+MACT, NORTH WEST,
ROHINI COURTS, DELHI**