

**IN THE COURT OF SHRI RAKESH KUMAR SINGH**  
**LD. PO-MACT-01, SOUTH-WEST DISTRICT,**  
**DWARKA COURTS, NEW DELHI**

**MACT No.1107/2016**  
**CNR No.DLSW01-001059-2014**

In the matter of :

- 1) **Shri Satbir Singh** S/o Shri Dharam Singh
- 2) **Smt. Dharam Kaur** W/o Shri Satbir Singh
- 3) **KM. Renu** D/o Shri Satbir Singh

All R/o Village Jhuljhuli, Post Office Ghumanhera,  
P.S. Jaffarpur Kalan, New Delhi-110073.

... (Petitioners)

Versus

- 1) **Shri Vikas** S/o Shri Narender  
R/o Village Rawta, P.S. Jaffarpur Kalan,  
New Delhi-110073.
- 2) **Shri Narender**  
R/o Village Rawta, P.S. Jaffarpur Kalan,  
New Delhi-110073.
- 3) **IFFCO TOKIO GENERAL INSURANCE Co. Ltd.**  
IFFCO Sadan, C-1 , District Centre  
Saket, New Delhi-17.

... (Respondents)

**Date of Institution of DAR : 24.02.2014**

**Date of Judgment : 11.03.2026**

**MACT No.83/2016**  
**CNR No.DLSW01-000186-2014**

In the matter of :

- 1) **Shri Vikas Kumar** S/o Shri Narender Singh  
R/o Village Rawta, P.S. Jaffarpur Kalan,  
New Delhi-110073.

... (Petitioners)

Versus

- 1) **Sh. Rati Ram** S/o Ram Singh  
R/o 76, Village Jhuljhuli, Najafgarh, Delhi.
- 2) **Reliance General Insurance Co. Ltd.**  
Though its Manager/Officer Incharge  
At: 2<sup>nd</sup> Floor, Aditya Tower Plot No.5, Laxmi Nagar,  
Vikas Marg, Delhi.

... (Respondents)

**Date of Institution of DAR** : 21.10.2014

**Date of Judgment** : 11.03.2026

### JUDGMENT

1. A road accident happened on 13.07.2013 on main Rawata Road near Cremation Ground Dariyapur, Khurd, Delhi and one FIR No.75/2013 was registered by the police. The FIR was registered at the instance of HC Dharmpal. Two vehicles were apparently involved i.e. motorcycle no. DL-4S-BK-0855 and motorcycle bearing no. DL-4S-BH-6398. Four persons were affected by the accident i.e. Vikash, Naveen, Monu and Anil. All the persons were sent to the hospital. The police investigated the matter and came to the conclusion that it was Anil who was at fault in causing the accident. Anil was driving the vehicle no. DL-4S-BH-6398. However, the said Anil expired and therefore,

the police filed final report u/s 173 Cr.PC by showing that the case is abated.

2. One Satbir Singh i.e. father of deceased Anil protested against such opinion of the police and approached the Ld. Magistrate who allowed him to prove his protest petition through evidence. The said Satbir Singh examined himself along with certain other witnesses before the Ld. Magistrate. However, the Ld. Magistrate opined that no case was made out to deviate from the opinion of the police. After thoroughly considering the evidence led before him, the Ld. Magistrate dismissed the case projected by Satbir Singh. He opined that this is Anil was having alcohol to the tune of 59.3 mg/100 ml in his blood and he was driving with motorcycle no. DL-4S-BH-6398 which was offending vehicle.

3. Satbir Singh however, did not restrain himself from indulging in frivolous litigation. He had filed one compensation petition in the MACT by claiming that his son Anil was not the offender but he was victim. Later on, when the opinion of Ld. Magistrate was pronounced, Satbir Singh should have realized the situation but he did not and continued to press his compensation case.

4. In the compensation claim, Satbir Singh had made Navin, Vikash and Reliance General as parties respondents. He was projecting that vehicle No. DL-4S-BH-6398 was actually being

driven by Navin and Anil was pillion rider. So far as, Vikash is concerned, Satbir Singh claims that Vikash is the owner of the second vehicle i.e. DL-4S-BK-0855 and the said vehicle suddenly came from opposite side and hit the vehicle no. DL-4S-BH-6398 due to which Anil died. However, he indicated that accident had taken place because driver of both the motorcycles were negligent.

5. Later, Satbir Singh came up with an application u/o. 1 Rule 10 CPC and also application u/o. 6 rule 17 CPC. He projected that the accident was caused due to sole rash/negligent driving of vehicle no. DL-4S-BK-0855. He also changed the memo of parties and thereby shown only Vikash, Narender Singh and IFFCO Tokio General as parties respondents. He clearly left the vehicle no. DL-4S-BH-6398 and Navin who was related to the same vehicle and also Reliance General Insurance was insurer of the said vehicle.

6. Therefore, the case filed by Satbir Singh i.e. MACT No. 1107/2016 is now between Satbir Singh and the persons who related the vehicle no. DL-4S-BK-0855. We have to ascertain if the claim projected by Satbir Singh regarding rash/negligent act on the part of the vehicle no. DL-4S-BK-0855 has been established or not.

7. At this stage, another development is also required to be taken note of. Vikash has come up with his own claim petition

indicating culpability of vehicle no. DL-4S-BH-6398. He has impleaded Rati Ram as owner of the said vehicle and Reliance General Insurance Co. as insurer of the said vehicle. He has also impleaded driver of the said vehicle but did not provide the name. The case filed by the Vikash is MACT No. 83/2016 and arises out of the same accident on which the other case no.1107/2016 was filed by Satbir Singh.

8. In both the cases, evidence was recorded. In total the witnesses are Vikash Kumar, Ratti Ram, Amit Kumar, Satbir Singh, Navin, Ashna Khan, IO Dharmpal. All the counsels appearing on both the cases have been heard. The judgment will dispose of the case.

9. We will first take up the case of Satbir Singh i.e. case no. 1107/2016. Satbir Singh is not an eye witness but he claims that he claims that Anil went along with Navin from his residence on the vehicle and the said vehicle was driven by Navin. However, this claim is hardly believable. He has not provided any material to show that he was at home or that Anil had left from his home. On the other hand, we had testimony of Navin Kumar who deposes that he was initially driving the motorcycle but when he met with Anil at Airtel Tower, Anil started driving the motorcycle. Here, one thing becomes clear that Anil did not meet Navin at home. If this is so claim of Stabir Singh can not be accepted that he had seen Anil leaving the home on the motorcycle of Navin.

10. No other witness is available in support of Satbir Singh regarding the claim that vehicle no. DL-4S-BH-6398 was not being driven by Anil. Moreover, there is clear findings by police and the Ld. Magistrate that vehicle was being driven by Anil. During the course of arguments, Ld. Counsel for Satbir Singh submitted that the challenge to the order of the Ld. Magistrate has also failed. In such circumstances, I do not find any reason to say that Anil was not driving the vehicle no. DL-4S-BH-6398.

11. At this stage, we have to take into consideration that Satbir Singh has already left Navin and Reliance General Insurance were related to vehicle no. DL-4S-BH-6398. Since Satbir Singh has pressed his claim petition by saying that it is vehicle no. DL-4S-BK-0855 which was solely negligent, we have to check the case only from that angle.

12. Since Satbir Singh is not an eye witness to the accident he can not establish the mode and manner of accident. This situation appearing from final police report is that Anil was driving the vehicle no. DL-4S-BH-6398 and the said vehicle is the offending vehicle. Alcohol was also found in the blood of Anil and therefore, an inference can be taken that he could not properly drive the vehicle in drunken condition. Vehicle no. DL-4S-BK-0855 was standing on road side and this is come on record through the statement of IO Dharmpal. Ld. Counsel for Satbir Singh, however, has argued that scratch marks on the

vehicle no. DL-4S-BK-0855 are such which are not possible with any standing vehicle. I have considered this submission but I am of the view that the same is hardly acceptable. Satbir Singh has not seen the accident. The mechanical inspection report shows that vehicle no. DL-4S-BK-0855 did not have the battery. The scratch marks may be the result of hit by the offending vehicle and by subsequent mishandling. Additionally Vikash in his deposition has claimed that vehicle no. DL-4S-BK-0855 was in standing condition at the footpath. He is an eye witness and has stood his grounds even in the cross examination. In such circumstances, it can not be accepted that the accident was caused due to rash/negligent act of vehicle no. DL-4S-BK-0855. It is held that the accident was caused due to the rash/negligent act of vehicle no DL-4S-BH-6398 which was being driven by deceased Anil that too in drunken condition.

**13. In view of the aforesaid, it is held that Satbir Singh is not entitled to claim any compensation. As such the case no. 1107/2016 is dismissed.**

14. Now we can take the case filed by Vikash which is Case No. 83/16. We have seen above that it is the said Anil who was driving vehicle no. DL-4S-BH-6398 that too in drunken condition and due to his rash/negligent act, the accident had happened. The police report and medical papers so that Vikash has suffered grievous injury. He is therefore, held entitled to receive compensation on account of accident so caused.

15. The record shows that the injured Vikash has not suffered any disability. Therefore, there can not be any question of loss of earning capacity. However, considering the repeated visits to the doctors and hospitalization, I am of the view that atleast three months loss of income should be awarded. Injured Vikash was 19 years old and was student of 12<sup>th</sup> Standard. Therefore, minimum wages of matriculate in Delhi shall be considered. The minimum wages on the date of accident was Rs.9386/- per month. As such the loss of income would come to Rs.28158/-.

16. A person having suffered grievous injury due to accident has to be granted some solace in the form of some amount on account of pain and suffering. Rs.1,00,000/- is allowed on this count. Further, injured needs to be allowed some amount in respect of conveyance, special diet, attendant charges. Considering the hospitalization and repeated visits to the doctors, a sum of Rs.20,000/- for conveyance, Rs.30,000/- for special diet and Rs.15,000/- for attendant are granted. It cannot be denied that the injured having suffered grievous hurt will have sufficient difficulty in life. Therefore, in respect of loss of amenities caused due to accident, an amount of Rs.50,000/- is also allowed. The injured has exhibited medical bills of Rs.1,37,356/-. Insurance company has not been able to dispute these bills. As such, amount of Rs.1,37,356/- is allowed towards medical treatment.

### **Total compensation**

17. In the aforesaid manner, the total amount comes to Rs.3,80,514/- which is rounded off to **Rs.3,81,000/-** and the same is allowed as compensation to the injured Vikash. This amount shall carry a simple interest @ 7.5% per annum from 21.10.2014 till realization. Entire amount be released to the injured in his bank account.

**Liability**

18. Driver Anil has expired and therefore, he can not be made liable. However, the owner Ratti Ram will be vicariously liable. The vehicle was insured. However, Anil was driving the vehicle under influence of liquor which was more than prescribed limit and therefore, the insurance company can not be made fully liable. In such circumstances, it will be appropriate to direct the insurance company to pay the compensation to the injured Vikash and then recover the same from owner Ratti Ram by executing the award.

19. In view of the aforesaid case no. 1107/2016 is dismissed. Case No. 83/16 is allowed by granting compensation to the injured. A separate award in terms of the instant judgment be prepared in respect of case no.83/16. Directed accordingly.

**Announced in the open Court  
on 11.03.2026.**

**(Rakesh Kumar Singh)  
PO, MACT-01, Dwarka Courts,  
New Delhi**