IN THE COURT OF MS. RUCHIKA SINGLA
PRESIDING OFFICER, MACT-01 (CENTRAL)
TIS HAZARI COURTS, DELHI.

DLCT010050792022

MACT No.	**:**	**397/2022**
FIR No.	**:**	**306/2019**
PS	**:**	**Thanesar Sadar, Kurukshetra**
u/s	**:**	**304A/337/338 IPC**

Sh. Narendra Gupta (injured/petitioner)
S/o. Late Sh. Banwari Lal Gupta,
R/o. E-16/622, Padam Singh Road,
Bapa Nagar, Karol Bagh,
Delhi-110005.

.....Petitioner

Vs.

1. Sh. Paramjit Singh (driver of the offending vehicle)
S/o. Sh. Surjit Singh,
R/o. VPO Jhanjoti Teh Ajnala,
Amritsar-143001.

2. Sh. Mangat Ram Mehta (owner of the offending vehicle)
S/o. Sh. Raghunath,
R/o. Village Gurha Singh Chak Shaman,
Jammu, Jammu & Kashmir-181206.

3. Oriental Insurance Co. Ltd. (Insurer)
Town Hall Building, 1st Floor,
Admin Block, Jammu,
Jammu & Kashmir-180001.

.....Respondents

Date of filing of claim petition : 22.04.2022
Judgment reserved on : 31.01.2026
Date of Award : 20.03.2026

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A W A R D

1. The Detailed Accident Report (DAR) was filed on 22.04.2022 and was registered as a Motor Accident Claim petition. Earlier, the petition was dismissed by the Ld. Predecessor Tribunal vide order dated 26.04.2022. Thereafter, the petitioner preferred an appeal before the Hon'ble High Court. Vide order dated 14.05.2024, the order dated 26.04.2022 was set aside and the present matter was remanded to this Tribunal for trial.

2. The present claim petition revealed that a Road Traffic Accident took place on 13.07.2019 at 02:45 am near Rakba Village Sanwala, GT Road, District Kurukshetra, Haryana wherein Sh. Narender Gupta had sustained injury. The accident took place with the vehicle bearing registration No. UP17AT4406 driven rashly and negligently by respondent no. 1 Paramjit Singh, owned by respondent no.2, Mangat Ram Mehta and insured with respondent no.3, ICICI Lombard General Insurance Ltd.

BRIEF FACTS

3. The brief facts that have emerged from the claim petition are that on 12.07.2019, the petitioner alongwith his family members boarded a bus bearing no. UP-17AT-4406 from Red Fort, Delhi at around 10:50 pm to travel to Amritsar. It is further stated that the respondent no. 1 was driving the said bus rashly, negligently and at an extraordinary high speed in a zig-zag manner, ignoring most of the

traffic rules and speed parameters. It is further stated that the petitioner, his family members and other people who were travelling in the said bus, after noticing the same, repeatedly requested/cautioned the driver to drive the bus carefully and to follow all the traffic guidelines but the driver did not pay any heed to their request/caution.

4. It is further stated that at about 2:45 am, when they reached near Rakba village Sanwala, GT Road, District Kurukshetra, Haryana, the respondent no. 1 i.e. driver of the offending vehicle while attempting to overtake another vehicle, bumped the bus to side of the curb and into the railing of the divider of the road, consequent to which the bus overturned on the road. It is further stated that the accident was very serious in nature and while the passengers were trying hard to evacuate, suddenly the said bus caught fire. It is further stated that the accident was so serious in nature due to which the mother of petitioner Late Ms. Geeta Devi got struck into the bus and got burnt alive in the bus. As a result of which, Ms. Geeta Devi died on the spot.

5. It is further stated that an FIR no.0306/2019 PS Thanesar Sadar, U/s.279/304A/37/338 IPC dated 13.07.2019 was registered against the respondent no. 1 for causing the accident in question and the charge sheet has been filed against the driver of the offending vehicle. It is further stated that due to aforesaid accident, the petitioner sustained grievous injuries and petitioner also suffered mental trauma of losing his mother. It is further stated that the petitioner was initially admitted in Anand Orthopedic Centre, Kurukshetra where his X-ray was conducted

and thereafter the petitioner was shifted to B L Kapoor Hospital, Delhi, where his treatment was continued.

6. It is further stated that due to this accident, the petitioner is not able to work and do business regularly. The doctors have advised the petitioner to continue physiotherapy treatment. It is further stated that the petitioner will not be able to enjoy his life and won't be able to run or walk properly in the future and extreme trauma has been caused to the petitioner due to the said accident which includes the trauma of losing his beloved mother and grievous injury of many of his family members.

7. It is further stated that at the time of accident, the petitioner was doing his business and earning more than Rs.40,000/- pm and due to ongoing treatment and restricted body movement, the petitioner had to shut his business for a period of two months. It is further stated that the treatment of the petitioner is still going on including physiotherapy.

8. It is further stated that the present accident was caused by the rash and negligent act of the respondent no. 1 and petitioner incurred more than Rs.1,50,000/- on medical expenses which is continuing to incur on daily basis. It is further stated that petitioner has misplaced some of the medical bills and treatment records. It is further stated that the petitioner has incurred Rs.15,000/- on Physiotherapy sessions, Rs.25,000/- on Conveyance, Rs.25,000/- on Special Diet and Supplements, Rs. 10,000/- on medicines till date and he is still further

incurring the amount on the said heads as his treatment is still going on. It is further stated that the petitioner has also incurred an amount of Rs.50,000/- on psychiatric sessions.

WRITTEN STATEMENTS

9. None appeared on behalf of the respondent no.1 despite service of summons. Hence, he was proceeded against ex parte vide order dated 06.11.2024.

10. WS was filed by the respondent no. 2 on 23.10.2024. It was stated that the respondent no.1 was driving his vehicle as per the traffic rules and regulations and there was no negligent driving on his behalf. It is further stated that other vehicle came from the left side and tried to overtake the offending vehicle. He forcefully came into the lane of the offending vehicle due to which the offending vehicle collided with that vehicle and overturned. Thereafter, the offending vehicle caught fire. Hence, it is stated that the accident was not caused by the respondents and they were not liable to pay any compensation to the petitioner.

11. Separate WS was filed on behalf of respondent no. 3. It was admitted that the offending vehicle was insured with the respondent no.3 company vide policy No. 262101/31/2019/3731 valid from 25.01.2019 to 24.01.2020. However, it was stated that no liability could be imposed on the respondent no.3 unless the rash and negligent act of the respondent no.1 could be proved. Further, it was stated that the respondent no. 3 was entitled to take all such defences as were available

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to the respondent no.3 as per law, as it must be proved on record that the respondent no.1 had a valid driving license and permit at the time of the accident. Further, as per the investigation report of the respondent no.3, the respondent no.1 was under the influence of liquor at the time of the accident.

ISSUES

12. On the basis of the pleading of the parties, vide order dated 06.11.2024, this Tribunal framed the following issues:

> 1. Whether the injured/petitioner suffered injuries in an accident that took place on 13.07.2019 at about 2:45 AM near Rakba village Sanwala, GT Road, District Kurukshetra, Haryana-136132 involving vehicle bearing registration no. UP-17AT-4406 driven rashly and negligently by respondent no.1 Paramjit Singh, owned by respondent no.2 Mangat Ram Mehta and respondent no.3 The Oriental Insurance Company Ltd.? **OPP**
>
> 2. Whether the petitioner is entitled for compensation? If so, to what amount and from whom? **OPP**
>
> 3. Relief.

PETITIONER'S EVIDENCE

13. The petitioner/injured examined himself as **PW-1**. He tendered his evidence by way of affidavit which is Ex.PW-1/A and the same bears his signatures at points-A & B. He relied upon the following documents:

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1. Copy of Aadhar Card of deponent **Ex. PW-1/1.**

2. True Copy of Driving License of respondent no. 1 is **Ex. PW-1/2.**

3. True Copy of cover note of the insurance policy of the offending vehicle is **Ex. PW-1/3**.

4. Registration certificate of offending vehicle is **Ex. PW-1/4.**

5. True copy of FIR no. 306/2019 is **Ex. PW-1/5.**

6. True copy of charge sheet is **Ex. PW-1/6.**

7. True copy of photographs of offending vehicle is **Ex. PW-1/7.**

8. True copy of site inspection report is **Ex.PW-1/8 (certified copy seen and returned).**

9. News Article dated 13.07.2019 alongwith certificate u/s 63 of BSA is **Ex.PW-1/9.**

14. He was duly cross examined by the Ld. Counsel for respondents. Thereafter, vide separate statement of the petitioner, **PE was closed vide order dated 09.06.2025.**

RESPONDENT'S EVIDENCE

15. Thereafter, Sh. Mangat Ram i.e. the respondent no.2 examined himself as **R2W1**. He tendered his evidence by way of affidavit which is **Ex.R2W1/A** and the same bears his signatures at points-A & B. He relied upon the following documents:

1) Copy of Registration Certificate is Mark A-1.

2) Copy of DL is Mark A-2.

3) Copy of insurance policy is Mark A-3.

4) Copies of fitness and permit are Mark A-4 and Mark A-5.

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16. He was duly cross examined by the Ld. Counsel for petitioner and respondent no.3. Thereafter, **RE on behalf of respondents no. 1 and 2 was closed vide order dt. 26.11.2025 and RE on behalf of respondent no. 3 was closed vide order dt. 21.01.2026.**

FINAL ARGUMENTS

17. The Petitioner has filed his duly filled Form XIV and financial statement of the injured was recorded. Final arguments were heard on behalf of parties.

FINDINGS & OBSERVATIONS

18. I have heard Ld. Counsel for the petitioner and Ld. Counsel for respondent and perused the record. My findings on the various issues are as under:-

ISSUE NO.1:

Whether the injured/petitioner suffered injuries in an accident that took place on 13.07.2019 at about 2:45 AM near Rakba village Sanwala, GT Road, District Kurukshetra, Haryana-136132 involving vehicle bearing registration no. UP-17AT-4406 driven rashly and negligently by respondent no.1 Paramjit Singh, owned by respondent no.2 Mangat Ram Mehta and respondent no.3 The Oriental Insurance Company Ltd.? OPP

19. The onus to prove this issue was upon the petitioner. It is the case of the petitioner that on 13.07.2019 at about 02:45 am, the

petitioner and his family were travelling in the offending vehicle. It is stated that the respondent no.1 was driving the offending vehicle in a rash and negligent manner and when the offending vehicle reached near Rakba Village Sanwala, GT Road, District Kurukshetra, Haryana, the respondent no.1 tried to overtake a bus and bumped into the curb and into the raining of the divider, due to which bus overturned. Subsequently, while the passengers were trying to get off the bus, the bus caught fire and the petitioner suffered injuries. The petitioner has reiterated the said facts on oath as PW1. It is further submitted that the offending vehicle was found at the spot by the IO. The petitioner was treated at the hospital wherein it has specifically mentioned that the injuries are due to a road traffic accident. The respondent no.1 was chargesheeted by the IO for the offences under Section 279/338/337/304A IPC. Hence, it is submitted that it is proved that the respondent no. 1 was driving the negligent in a rash and negligent manner due to which the petitioner suffered injuries.

20. Per contra, it is submitted by Ld. Counsel for respondent no. 2 that the respondent no.1 was driving his vehicle as per the traffic rules and regulations and there was no negligent driving on his behalf. It is further stated that some other vehicle came from the left side and tried to overtake the offending vehicle. He forcefully came into the lane of the offending vehicle due to which the offending vehicle collided with that vehicle and overturned. Thereafter, the offending vehicle caught fire. Hence, it is argued that the respondent no.1 was not driving the offending vehicle rashly and negligently.

21. It is submitted by Ld. Counsel for respondent no. 3 that the respondent no.1 was inebriated at the time of the accident. Further, he was driving the offending vehicle without any valid driving license and permit. Hence, the conditions of the insurance policy were violated. Hence, the respondent no.3 was not liable to pay any compensation to the petitioner.

22. Record perused.

23. In the present case, it is not disputed that the petitioner was travelling in the offending vehicle. It is also admitted that the offending vehicle overturned and caught fire. The respondent no.2 has taken this defence that some other vehicle came from the left side and tried to overtake the offending vehicle. It is further stated that he forcefully came into the lane of the offending vehicle due to which the offending vehicle collided with that vehicle and overturned. However, as such, no evidence was led by the respondent no.2 to prove this fact. RW2 i.e. the respondent no.2 admitted in his cross-examination that he was not an eye witness to the said accident. Further, the respondent no.1 did not come forward to prove this version by entering into the witness box.

24. It is pertinent to mention here that in the proceedings before the claims tribunal, the facts are to be established on the basis of preponderance of probabilities and not by the strict rules of evidence or the higher standard of beyond reasonable doubt as required in criminal

cases. The burden of proof in the present cases is much lower than as placed in civil or criminal cases. In ***Bimla Devi & Ors. v. Himachal Road Transport Corporation & Ors (2009) 13 SC 530***, it has been held by Hon'ble Supreme Court of India that negligence must be decided on the touchstone of preponderance of probabilities and a holistic view must be adopted in reaching a conclusion.

25. Further, it is also pertinent to note that the respondent no. 1 was chargesheeted by the IO under Section 279/337/338/304A IPC. In ***National Insurance Co. Ltd. v. Pushpa Rana 2009 ACJ 287 and United India Insurance Co. Ltd. v. Deepak Goel & Ors, 2014 (2) TAC 846 (Del)*** decided by the Coordinate Bench of the Hon'ble Delhi High Court, it was held as under :-

> *"......where the claimants filed either the certified copies of the criminal record or the criminal record showing the completion of investigation by police or issuance of charge sheet under Section 279/304A IPC or the certified copy of FIR or the recovery of the mechanical inspection report of the offending vehicle, then these documents are sufficient proof to reach to a conclusion that the driver was negligent particularly when there is no defence available from the side of driver."*

26. Reliance is also being placed upon the judgment of Hon'ble Delhi High Court in case ***Bajaj Allianz General Insurance Co. Ltd. v. Meera Devi*, *2021 LawSuit (Del)*** wherein it was held that "***......in view of Delhi Motor Accident Claim Tribunal Rules, 2008, contents of DAR has to be presumed to be correct and read in evidence without formal proof of the same unless proof to the contrary was produced.***"

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27. Further, as mentioned above, the factum of the accident is not disputed. The offending vehicle was found by the IO at the spot in an accidental condition. The respondent no.1 was chargesheeted by the IO. Even otherwise, the petitioner was unknown to respondent no.1 prior to the accident and admittedly, there was no prior enmity with respondent no. 1 and hence, it is beyond comprehension as to why the petitioner will implicate respondent no.1 falsely, had he not been driving the offending vehicle.

28. It is a settled law that the petitioner cannot be expected to prove the accident beyond reasonable doubts and the principle of *res ipse loquitor* should apply which means that the "accident speaks for itself". Thus, once it has been established in DAR and chargesheet that the accident had taken place, the burden shifts on the respondents to prove that they were not responsible for the accident which the respondents have failed to discharge. No evidence was led by the respondents no. 1 & 2 to discharge this onus. Hence, an adverse inference is drawn against the respondents. In this regard, reliance is placed on the judgments of Hon'ble High Court of Delhi in the cases of ***Teja Singh Vs Suman & Ors., MAC. APP. 1111/2018 & CM APPL. 52384/2018, 52386/2018, date of decision 06/12/2019; MAC. APP. 428/2018, titled as The Oriental Insurance Co. Ltd. Vs Kamla Devi & Ors, date of decision 08.11.2019 and MAC. APP. 690/2017 & CM APPL. 28108/2017, titled as Reliance General Insurance Company Ltd. Vs Mona & Ors., date of decision 15.10.2019, which had relied upon the***

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judgment in the case of Cholamandalam Insurance Co. Ltd. Vs Kamlesh 2009(3) AD Delhi 310.

29. The Hon'ble Supreme Court in ***Mangla Ram v. Oriental Insurance Co. Ltd. (2018) 5 SCC 656*** has laid down in paragraphs 27 & 28:

> *"27. ...This Court in a recent decision in Dulcina Fernandes, noted that the key of negligence on the part of the driver of the offending vehicle as set up by the claimants was required to be decided by the Tribunal on the touchstone of preponderance of probability and certainly not by standard of proof beyond reasonable doubt. Suffice it to observe that the exposition in the judgments already adverted to by us, filing of chargesheet against Respondent 2 prima facie points towards his complicity in driving the vehicle negligently and rashly. Further, even when the accused were to be acquitted in the criminal case, this Court opined that the same may be of no effect on the assessment of the liability required in respect of motor accident cases by the Tribunal.*
>
> *28. Reliance placed upon the decisions in Minu B. Mehta and Meena Variyal, by the respondents, in our opinion, is of no avail. The dictum in these cases is on the matter in issue in the case concerned. Similarly, even the dictum in Surender Kumar Arora will be of no avail. In the present case, considering the entirety of the pleadings, evidence and circumstances on record and in particular the finding recorded by the Tribunal on the factum of negligence of Respondent 2, the driver of the offending jeep, the High Court committed manifest error in taking a contrary view which, in our opinion, is an error apparent on the face of record and manifestly wrong."*

30. It has not been disputed that respondent No.1 has been charge-sheeted in the aforesaid FIR for offences punishable under Section 279/337/338/304A IPC for rash and negligent driving of the offending vehicle. In view of the same, considering the facts and circumstances, the unrebutted testimony of the petitioner and the documents filed thereto, the court is satisfied that the accident was caused due to the rash and negligent driving of the respondent no. 1. From the DAR, it also stands established that respondent no. 2 was the registered owner of the offending vehicle. It is also an admitted position that the offending vehicle was insured with respondent no.3. The factum of the said insurance is also admitted by the respondent no.3 insurance company.

The injury:

31. Further, the onus to prove that the petitioner had suffered injuries by way of the said accident was on the petitioner. The petitioner has alleged that due to the accident, he suffered various injuries due to which he was unable to work for a few months and spent lacs of rupees on his treatment. However, no treatment record was proved by the petitioner. The petitioner even did not prove any MLC which was prepared qua him after the accident. He has also not proved any medical bills that he had undertaken any treatment for any clinic or hospital due to the accident at any point of time. Hence, the petitioner has failed to prove that due to the accident, he had suffered injuries.

32. In view of the above discussion, this Tribunal is of the

opinion that on the scales of preponderance of probabilities, the petitioner has proved that the accident in question took place due to rash and negligent driving of offending vehicle being driven by its driver/respondent no. 1 on the date and time of the accident. However, as mentioned above, **the petitioner has failed to prove that due to the accident, he had suffered injuries. Accordingly, issue no. 1 is partly decided in favour of the petitioner and against the respondents.**

ISSUE NO. 2:

Whether the petitioner/injured is entitled for compensation? If so, to what amount and from whom? OPP.

33. The onus to prove this issue was also upon the petitioner. In the case of **Raj Kumar Vs. Ajay Kumar & Ors. (2011) 1 SCC 34,** Hon'ble Supreme Court held as under:

> *"General principles relating to compensation in injury cases*
>
> *4. The provision of The Motor Vehicles Act, 1988 (`Act' for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The Court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the*

*loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (*See C. K. Subramonia Iyer vs. T. Kunhikuttan Nair *- AIR 1970 SC 376,* R. D. Hattangadi Vs. Pest Control (India) Ltd*. - 1995 (1) SCC 551 and Baker vs. Willoughby - 1970 AC 467).*

5. The heads under which compensation is awarded in personal injury cases are the following :

Pecuniary damages (Special 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 Damages)

(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).

In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv)."

34. In view of the above law laid down by Hon'ble Supreme Court of India, in injury cases only, award needs to be passed under

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heads of medical expenses, loss of earning during treatment period and damages for pain, suffering and trauma. This is a case where the petitioner has failed to prove that due to the accident, he had suffered injuries. Hence, he is not entitled to any compensation in the present case. **Issue No. 2 is accordingly decided in favour of the respondents and against the petitioner.**

RELIEF:

35. **In view of the above discussion, as no injury was proved to have been suffered by the petitioner, the present claim petition is dismissed.**

A digital copy of this award be forwarded to the parties free of cost.

Ahlmad is directed to send the copy of the award to Ld. Metropolitan Magistrate concerned and Delhi Legal Services Authority in view of Central Motor Vehicles (fifth Amendment) Rules, 2022 [(Directions at serial nos. 39, 40 of Procedure for Investigation of Motor Vehicle Accidents (under Rule 150A)].

Further, Civil Nazir is directed to maintain the record in Form XVIII in view of Central Motor Vehicles (Fifth Amendment) Rules, 2022 [(Directions at serial no. 41 of Procedure for Investigation of Motor Vehicle Accidents (under Rule 150A).

Ahlmad is further directed to comply with the directions passed by the Hon'ble High Court of Delhi in MAC APP No. 10/2021 titled as ***New India Assurance Company Ltd.*** Vs. ***Sangeeta Vaid & Ors.***, date of decision : 06.01.2021 regarding digitisation of the records.

File be consigned to Record Room after due compliance.

Announced in the open Court today
on this 20th March, 2026

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(RUCHIKA SINGLA)
PO, MACT-01, CENTRAL DISTRICT,
TIS HAZARI COURTS, DELHI.

THE PARTICULARS AS PER FORM-XVII, CENTRAL MOTOR VEHICLES (FIFTH AMENDMENT) RULES, 2022 (PL. SEE RULE 150A) ARE AS UNDER:-

1	Date of Accident	**13.07.2019**
2	Date of filing of ***Form-I – First Accident Report (FAR)***	**NA**
3	Date of delivery of ***Form-II*** *to the victim(s)*	**NA**
4	Date of receipt of ***Form-III*** *from the Driver*	**NA**
5	Date of receipt of ***Form-IV*** *from the Owner*	**NA**
6	Date of filing of ***Form- V– Particulars of the insurance of the vehicle***	**NA**
7	Date of receipt of ***Form-VIA*** from the Victim(s)	**NA**
8	**Date of filing of *claim petition***	**22.04.2022**
9	Whether there was any delay or deficiency on the part of the Investigating Officer? If so, whether any action/direction warranted?	**NA**
10	Date of appointment of the Designated Officer by the Insurance Company	**05.09.2024**
11	Whether the Designated Officer of the Insurance Company admitted his report within 30 days of the DAR?	**No**

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12	Whether there was any delay or deficiency on the part of the Designated Officer of the Insurance Company? If so, whether any action/direction warranted?	**NA**
13	Date of response of the claimant(s) to the offer of the Insurance Company.	**NA**
14	Date of award	**20.03.2026**
15	Whether the claimant(s) were directed to open savings bank account(s) near their place of residence?	**No**
16	Date of order by which claimant(s) were directed to open Savings Bank Account(s) near his place of residence and produce PAN card and Aadhar Card and the direction to the bank not to issue any cheque book/debit card to the claimant(s) and make an endorsement to this effect on the passbook(s).	**NA**
17	Date on which the claimant(s) produced the passbook of their savings bank account(s) near the place of their residence alongwith the endorsement, PAN card and Aadhar Card?	**31.01.2026**
18	Permanent residential	

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	address of the claimant(s).	**As per Award.**
19	Whether the claimant(s) savings bank account(s) is near their place of residence?	**No**
20	Whether the Claimant(s) were examined at the time of passing of the Award to ascertain his/their financial condition?	**Yes. The Financial Statement of the claimant was recorded 31.01.2026.**

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20.03.2026