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

DLCT010068742022

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| **MACT No.** | **:** | **400/2022** |
| **FIR No.** | **:** | **306/2019** |
| **PS** | **:** | **Thanesar Sadar, Kurukshetra** |
| **u/s** | **:** | **304A/337/338 IPC** |

**Ms. Ankita Gupta (injured/petitioner)**
D/o. Sh. Narender 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**

# AWARD

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 Ms. Ankita 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 her 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, her 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 grandmother 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 her grandmother. It is further stated that the petitioner was initially admitted in Anand Orthopedic Centre, Kurukshetra where her X-ray was conducted and thereafter the petitioner was shifted to B L Kapoor

Hospital, Delhi, where her treatment was continued.

6. It is further stated that due to this accident, the petitioner is not able to work and go to her job regularly. The doctors have advised the petitioner to continue physiotherapy treatment. It is further stated that the petitioner will not be able to enjoy her 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 her beloved grandmother and grievous injury of many of her family members.

7. It is further stated that at the time of accident, the petitioner was doing job at Deloitte & Touche LLP, Guruguram and also doing private work and giving private tuition and earning more than Rs.40,000/- pm and due to ongoing treatment and restricted body movement, the petitioner was not able to pursue the same properly. 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 x rays, Rs. 20,000/- on Physiotherapy sessions, Rs.25,000/- on Conveyance, Rs.25,000/- on Special Diet and Supplements, Rs. 10,000/- on medicines till date and

she is still further incurring the amount on the said heads as her 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 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 herself as PW-1. She tendered her evidence by way of affidavit which is Ex.PW-1/A and the same bears her signatures at points-A & B. She relied upon the following documents:

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

2. Copy of Driving Licence of the respondent no. 1 **Ex. PW-1/2.**

**3.** Copy of Registration Certificate of offending vehicle **Ex. PW-1/3.**

4. Copy of my medical bills **Ex. PW-1/ 4** (colly 14 pages).

5. Copy of FIR No. 0306/2019 **Ex. PW-1/5**.

6. Certified copy of Charge sheet which includes the death certificates of Ms. Geeta devi **Ex. PW-1/6.**

7. Copy of photograph of the offending vehicle **Ex. PW-1/7.**

8. Copy of ITR for FY 2019-20 **Ex. PW-1/8.**

9. Copy of cover note of insurance policy **Ex. PW-1/9.**

10. Copy of bus ticket dt. 12.07.2019 is **Ex. PW-1/10.**

11. Certificate under section 63 of BSA is **Ex. PW-1/11.**

14. The petitioner 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. 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 as Mark A-1.
2. Copy of DL as Mark A-2.
3. Copy of insurance policy as Mark A-3.
4. Copies of fitness and permit are Mark A-4 & Mark A-5.

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. She has also proved the bus ticket as Ex. PW1/10. 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.***"

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 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. It is the matter of record that due to the accident, the petitioner suffered injuries. To prove the same, the petitioner has relied upon her medical documents Ex. PW1/4 (colly). As per her medico-legal certificate dated 13.07.2019 issued by Anand Orthopedic Centre, Kurukshetra, she was brought to the hospital with history of road traffic accident. She suffered injuries on her leg. It is stated in the form 14 that she was hospitalized for 5 days. However, no such document is on record. Further, there is no such document on record that she has suffered a grievous injury.

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 and that due to the said accident, **the petitioner had suffered simple injury. Accordingly, issue no. 1 is 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 view of the observations as given in issue no.1, the petitioner is entitled for compensation. 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).*

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*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, award needs to be passed only under 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 claimed that he suffered grievous injury due to the accident, hence, this Tribunal now proceeds further step by step to decide the compensation/award under different heads applicable to the present matter in light of above preposition.

**Medical expenses:**

35. The petitioner has claimed a sum of Rs.1,30,000/- approximately towards medical expenses. The bills which are on record are Ex. PW1/4 to the tune of Rs. 16,585/-. **Hence, the petitioner is awarded a sum of Rs. 16,585/- under this head.**

**Loss of income:**

36. In this regard, it is submitted by the petitioner that at the time of the accident, the petitioner was doing job at Deloitte & Touche LLP, Guruguram and also doing private work and giving private tuition and earning more than Rs.40,000/- pm. She has proved her ITR for the assessment year 2020-21 as per which her annual income was Rs. 2,22,700/-. Hence, as per the same, her monthly income is assessed to be **Rs.18,917/-**.

37. As mentioned above, as per the medical record of the petitioner, she had suffered lacerations. Hence, she had suffered simple injuries. She has proved on record bills upto 26.08.2019, as per which he had home visits from a doctor for changing her dressing. However, she has not placed on record any document to show that due to the accident and injuries, she suffered any loss of income or her salary was not paid to her. There is nothing on record to show that she had to take leave from her office. Hence, she is not entitled to any amount towards loss of income.

**Special diet:**

38. The petitioner is claiming a sum of Rs. 25,000/- per month

towards special diet. Although, there is no bill to support her plea, but keeping in view the fact the facts and circumstances, it is understandable that she must have required special diet and must have incurred expenditure towards special diet, therefore, **a sum of Rs. 5,000/- is awarded to the petitioner under the head of special diet.**

**Conveyance charges:**

39. The petitioner is claiming a sum of Rs. 25,000/- towards conveyance charges. Admittedly there is no document showing expense on conveyance, however, considering her injuries, this Tribunal is of the view that the **petitioner must have spent money on conveyance thus, the petitioner is awarded a sum of Rs. 5,000/- towards conveyance charges.**

**Attendant charges:**

40. The petitioner is claiming a sum of Rs. 10,000/- towards attendant charges. Admittedly there is no document showing expense on attendant, however, considering her injuries, this Tribunal is of the view that the **petitioner must have spent money on attendant thus, the petitioner is awarded a sum of Rs. 5,000/- towards attendant charges.**

**Pain & Suffering:**

41. The petitioner/injured has claim Rs. 10,000/- under the head pain and suffering. It is not possible to quantify the compensation admissible to petitioner for the shock, pain and sufferings etc. which she actually suffered because of the above injuries, but as stated above, an effort has to be made to compensate her for the same in a just and reasonable manner. Hence, keeping in view the extent and nature of the

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injuries suffered by petitioner and duration of the treatment taken by her etc., an amount of **Rs.5,000/- is being awarded to her towards pain and sufferings.**

**Mental and physical shock:**

42. The petitioner/injured has claimed Rs. 10,000/- for loss due to mental shock. Although, there is nothing on record to prove the same but keeping in view her injuries, it cannot be denied that she would definitely have suffered mental agony. Hence, **a sum of Rs.5,000/- is awarded to the petitioner under head of "Loss due to Mental & Physical Shock".**

**Loss of amenities**

43. The petitioner/injured has claimed Rs. 10,000/- under this head. Although, there is nothing on record to prove the same but keeping in view her injuries, it cannot be denied that she would definitely have suffered loss of amenities. Hence, **a sum of Rs.5,000/- is awarded to the petitioner under this head.**

**Disfiguration & Loss of marriage prospects:**

44. The petitioner/injured has not claimed any amount under these heads. Hence, no amount is awarded.

**Loss of earning, inconvenience, disappointment, frustration, mental stress, dejectment and unhappiness in future life etc.**

45. The petitioner/injured has claimed Rs. 10,000/- under this head. Although, there is nothing on record to prove the same but keeping

in view her injuries, **a sum of Rs.5,000/- is awarded to the petitioner under this head.**

**Loss of future income**

46. The petitioner/injured has claimed Rs. 10,000/- under this head. However, she has suffered simple injury and there is nothing on record that the said accident shall hamper her future employment. Hence, no amount is awarded to the petitioner under this head.

47. Accordingly, keeping in view the facts and circumstances, the material on record, and the settled principles and guidelines governing the injury cases like the present one, the compensation is being derived in the present case as under:-

| NAME OF HEAD | AMOUNT (in Rupees) |
|---|---|
| Expenditure on Treatment | **Rs. 16,585/-** |
| Monthly income of injured | **Rs.18,917/-** |
| Loss of income | **Nil** |
| Add future prospects | **Nil** |
| Loss of future income (income X % Earning Capacity X Multiplier) | **Nil** |
| Any other loss/expenditure | **Nil** |
| Expense on special diet | **Rs. 5,000/-** |
| Conveyance charges | **Rs. 5,000/-** |
| Attendant charges | **Rs. 5,000/-** |
| Mental & Physical Shock & Pain & Suffering | **Rs. 5,000/- + Rs. 5,000/- = Rs. 10,000/-** |

| | |
|---|---|
| Loss of amenities | **Rs. 5,000/-** |
| Disfiguration | **Nil** |
| Loss of marriage prospects | **Nil** |
| Loss of earning, inconvenience, hardship, disappointment, frustration, mental stress, dejectment and unhappiness in future life etc. | **Rs. 5,000/-** |
| Total | **Rs. 51,585/-** |

48. In the case of ***Oriental Insurance Company Ltd. Vs. Niru @ Niharika & Ors. SLP no. 22136 of 2024 decided on 14.07.2025*****,** the Hon'ble Supreme Court has upheld awarding of 9% interest per annum. Therefore, **it is held that the petitioner shall be entitled to interest @ 9% per annum from the date of filing of the petition i.e. 22.04.2022 till realization.**

## DISBURSEMENT

49. The Financial Statement of petitioner/injured was recorded by this Court/Tribunal. As per the said statement, the monthly expenses of his family are approximately Rs. 80,000/- per month.

50. The Hon'ble Delhi High Court vide orders dated **07.12.2018 & 08.01.2021** in **FAO No. 842/2003** under the title **Rajesh Tyagi & Ors. Vs. Jaivir Singh & Ors.** has given the following directions:

> *"(i) The bank shall not permit any joint name to be added in the saving account or fixed deposit accounts of the claimants i.e. saving bank accounts of the claimants shall be*

*an individual saving bank account and not a joint account.*

*(ii) Original fixed deposit shall be retained by the bank in safe custody. However, the statement containing FDR number, FDR amount, date of maturity and maturity amount shall be furnished by bank to the claimants.*

*(iii) The maturity amount of the FDRs be credited by the ECS in the saving bank account of the claimant near the place of their residence.*

*(iv) No loan, advance or withdrawal or premature discharge be allowed on the fixed deposits without the permission of the court.*

*(v) The concerned bank shall not issue any cheque book and/or debit card to claimants. However, in case the debit card and/or cheque book have already been issued, bank shall cancel the same before the disbursement of the award amount. The bank shall debit card(s) freeze the account of claimants so that no debit card be issued in respect of the account of claimants from any other branch of the bank.*

***(vi) The bank shall make an endorsement on the passbook of the claimant to the effect, that no cheque books and/or debit card have been issued and shall not be issued without the permission of the Court and the claimant shall produced the passbook with the necessary endorsement before the Court for compliance."***

51. However, in a recent judgment passed by the Hon'ble Supreme Court of India titled as **Parminder Singh vs Honey Goyal on 18 March, 2025 in S.L.P. (C) No. 4484 OF 2020** has held that :

*"17. The case in hand pertains to the compensation awarded under the Motor Vehicles Act. The general*

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*practice followed by the insurance companies, where the compensation is not disputed, is to deposit the same before the Tribunal.* ***Instead of following that process, a direction can always be issued to transfer the amount into the bank account(s) of the claimant(s) with intimation to the Tribunal.***

*17.1 For that purpose, the Tribunals at the initial stage of pleadings or at the stage of leading evidence may require the claimant(s) to furnish their bank account particulars to the Tribunal along with the requisite proof,* ***so that at the stage of passing of the award the Tribunal may direct that the amount of compensation be transferred in the account of the claimant and if there are more than one then in their respective accounts.*** *If there is no bank account, then they should be required to open the bank account either individually or jointly with family members only. It should also be mandated that, in case there is any change in the bank account particulars of the claimant(s) during the pendency of the claim petition they should update the same before the Tribunal. This should be ensured before passing of the final award. It may be ensured that the bank account should be in the name of the claimant(s) and if minor, through guardian(s) and in no case it should be a joint account with any person, who is not a family member. The transfer of the amount in the bank account, particulars of which have been furnished by the claimant(s), as mentioned in the award, shall be treated as satisfaction of the award. Intimation of compliance should be furnished to* *the Tribunal."*

52. In view of the same, the award amount can now be disbursed in the Savings Bank Account of the petitioner. However, the remaining directions as passed by the Hon'ble High Court shall be complied with.

53. After considering the financial statement of the petitioner, it is held that on realization of the award amount of **Rs. 60,451/- (Rupees Sixty Thousand Four Hundred Fifty One only), the entire amount be released to the petitioner/claimant immediately in her bank account maintained at HDFC Bank, Padam Singh Road, Karol Bagh, Delhi bearing no. 55000005443002, IFSC no. HDFC0000017.**

54. In compliance of the directions given by Hon'ble High Court in **FAO No. 842/2003** dated **08.01.2021**, Summary of the Award in the prescribed **Format-XVI** is as under:

**SUMMARY OF AWARD:**

| | |
|---|---|
| Date of Accident: | **13.07.2019** |
| Name of the Injured: | **Ankita Gupta** |
| Age of the Injured: | **Presently 32 years** |
| Occupation of the Injured: | **Private Job** |
| Income of the Injured: | **Rs. 18,917/- pm** |
| Nature of Injury: | **Simple** |
| Medical Treatment taken: | **Anand Orthopedic Centre, Kurukshetra** |

Period of Hospitalization: **13.07.2019**

Whether any permanent disability?: **No**

| COMPUTATION OF COMPENSATION | | |
|---|---|---|
| ***Sr. No.*** | ***Heads*** | ***Awarded by the Claims Tribunal*** |
| 1. | **Pecuniary Loss:** | |
| (i) | Expenditure on Treatment | **Rs. 16,585/-** |
| (ii) | Expenditure on Special Diet | **Rs. 5,000/-** |
| (iii) | Expenditure on Nursing/Attendant charges | **Rs. 5,000/-** |
| (iv) | Expenditure on Conveyance | **Rs. 5,000/-** |
| (v) | Monthly income of injured | **Rs.18,917/-** |
| (vi) | Loss of income | **Nil** |
| (vii) | Add future prospects | **Nil** |
| viii) | Any other loss which may require any special treatment or aid to the injured for the rest of his life | **Nil** |
| 2. | **Non Pecuniary Loss** | |
| (i) | Compensation for mental and physical shock | **Rs. 5,000/- + Rs. 5,000/- = Rs. 10,000/-** |
| (ii) | Pain and Sufferings | |
| (iii) | Loss of amenities of life | **Rs. 5,000/-** |
| (iv) | Disfiguration | **Nil** |
| (v) | Loss of marriage prospects | **Nil** |
| (vi) | Loss of earning, inconvenience, hardships, disappointment, frustration, mental stress, | **Rs. 5,000/-** |

| | | |
|---|---|---|
| | dejectment and unhappiness in future life etc. | |
| 3. | **Disability resulting in loss of earning capacity:** | |
| (i) | Percentage of disability assessed and nature of disability as permanent or temporary | **Nil** |
| (ii) | Loss of amenities or loss of expectation of life span on account of disability | **Nil.** |
| (iii) | Percentage of loss of earning capacity in relation to disability | **Nil** |
| (iv) | Loss of future income – (income x % earning capacity x Multiplier) | **Nil** |
| 4. | Total Compensation | **Rs. 51,585/-** |
| 5. | Interest awarded | **9%** |
| 6. | Earlier award amount (which has already been received by the petitioner in terms of previous award passed by Ld. Predecessor) to be deducted from present award amount . | **-** |
| 7. | Interest amount upto the date of award w.e.f. 22.04.2022 till realization | **Rs.8,865.55 (rounded off to Rs.8,866/-)** |
| 8. | Total amount including Interest | **Rs. 60,451/-** |
| 9. | Award amount released | **As mentioned in para no. 53** |
| 10. | Award amount kept in FDRs | **Nil** |
| 11. | Mode of disbursement of the award amount of the claimant(s) | **As mentioned in para no. 53** |
| 12. | Next date for compliance of the award | **20.04.2026** |

## <u>LIABILITY:</u>

55. It has been established that the offending vehicle was being driven by respondent no.1 and that respondent no.2 is the owner of the same and the offending vehicle was insured with respondent no. 3. In the WS, the respondent no. 3 took this defence that the respondent no.1 did not have 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. Hence, it was argued that the respondent no.3 was not liable to pay compensation to the petitioner as the terms and conditions of the policy were violated.

56. However, perusal of the record shows that the respondent no.2 proved the copy of the permit as Mark A-5. Copy of receipt of tax payment issued by State of Haryana as Mark A 6 and copy of DL of respondent no.1 as Mark A-2. Further, there is no evidence on record that the respondent no.1 was intoxicated at the time of the accident. Hence, the terms and conditions of the policy were not violated. Hence, it is directed that the respondent no. 3 shall be liable to pay the compensation to the petitioner. **Issue No. 2 is accordingly decided in favour of the petitioner and against the respondents.**

## <u>RELIEF:</u>

57. **The respondent no.3 is directed to deposit a sum of Rs. 51,585/- (Rupees Fifty One Thousand Five Hundred Eighty Five only) along with interest @ 9% from the date of filing of DAR i.e. 22.04.2022**

**till realization with the Civil Nazir of this Tribunal within 30 days under intimation to the claimant, failing which the said respondent shall be liable to pay interest @ 12% per annum for the period of delay beyond 30 days. Reliance placed on case titled as *Oriental Insurance Company Ltd. Vs. Niru @ Niharika & Ors. SLP no. 22136 of 2024* decided on 14.07.2025 by the Hon'ble Supreme Court.**

58. Ahlmad is directed to e-mail an authenticated copy of the award to the insurance company for compliance within the time granted as directed by the Hon'ble Supreme Court of India in WP (Civil) No. 534/2020 titled as ***Bajaj Allianz General Insurance Co. Pvt. Ltd.*** Vs. ***Union of India & Ors.*** on 16.03.2021. The said respondent is further directed to give intimation of deposit of the compensation amount to the claimant and shall file a compliance report with the Claims Tribunal with respect to the deposit of the compensation amount within 15 days of the deposit with a copy to the Claimant and his counsel.

Ahlmad shall also e-mail an authenticated copy of the award to Branch Manager, SBI, Tis Hazari Courts for information.

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)].

Civil Nazir is directed to place a report on record on **20.04.2026** in the event of non-receipt/deposit of the compensation

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amount within the time granted.

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.**

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

| | | |
|---|---|---|
| 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 address of the claimant(s). | **As per Award.** |

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| | | |
|---|---|---|
| | | |
| 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 father of the claimant was recorded on 31.01.2026.** |

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**(RUCHIKA SINGLA)**
**PO, MACT-01, CENTRAL DISTRICT,**
**TIS HAZARI COURTS, DELHI.**
**20.03.2026**