BEFORE SATISH KUMAR, PRESIDING OFFICER MOTOR ACCIDENT CLAIMS TRIBUNAL, CHARKHI DADRI. UID NO.HR0240.

MACP No.	34 of 2021.
CNR No.	HRCD01-000350-2021.
Date of Institution	01.03.2021.
Date of Decision	**22.07.2026.**

Ravinder, aged 38 years son of son of Sh. Dilbag Singh, resident of village Paintawas Kalan, Tehsil and District Charkhi Dadri.

....Claimant/petitioner.

Versus

1. Phool Kumar son of Sh. Shree Niwas, resident of village Mokhra, Tehsil Meham and District Rohtak. **(Driver of offending vehicle Tata-709 bearing registration No.HR-46C-8777).**

2. Kamal Khanna son of Sh. Ramesh Kumar, resident of House No.58R, Model Town, Rohtak City, Tehsil and District Rohtak (Haryana). **(Owner of offending vehicle Tata-709 bearing registration No.HR-46C-8777).**

3. The Oriental Insurance Company Limited having one of its branch office near Bus Stand, above ICICI Bank, Dadri City, Tehsil and District Charkhi Dadri (Haryana) (Insurer of offending vehicle Tata-709, vide policy No.261200/31/2019/1108, valid from 17.07.2018 to 16.07.2019).

....Respondents.

Claim Petition under Section 166 of the Motor Vehicles Act, 1988.

Present: Shri S.S. Kadian, Counsel for claimant/petitioner.
Sh. Sidharth Bagla, Counsel for respondent No.1 and 2.
Sh. Vinod Kumar Chahar, Counsel for respondent No.3.

AWARD:

This award shall decide the claim petition titled above filed

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under Sections 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act') for grant of compensation on account of injuries sustained by claimant Ravinder son of Shri Dilbag Singh in a motor vehicular accident on 18.05.2019.

2. Facts of the case, in brief, are that on 18.05.2019, the claimant/petitioner was going to his village Paintawas Kalan, Tehsil and District Charkhi Dadri by riding his motorcycle bearing registration No.HR-19L-5016 from RAF-BN-194, camp Bawana (Delhi) and when he reached near village Kablana, District Jhajjar on Delhi-Jhajjar road, then his motorcycle was directly hit by vehicle Tata-709 bearing registration No.HR-46C-8777, which was coming from opposite side i.e. from Jhajjar side and it was on wrong side. The driver of offending Tata vehicle came down to see the petitioner and thereafter, he fled away with the offending vehicle. Due to this accident, claimant fell down on the road and sustained multiple and grievous injuries on his vital parts of body.

3. The Local police of Police Station, Badli registered a case FIR No.0134 dated 18.05.2019 under Sections 279 and 337 of IPC, against respondent No.1 on the statement of claimant. This accident took place due to sole rash and negligent driving of the respondent No.1, while driving his Tata-709 bearing registration No.HR-46C-8777, so the respondents No.1 to 3, being driver, owner and insurer of offending vehicle are jointly and severely liable to pay the compensation to the

claimant.

4. In the claim petition, it has been submitted that the claimant is 38 years of age and he is serving in Central Reserve Police Force as Constable GD bearing force No.041751187 and earning ₹85,000/- per month from his salary as well as agricultural income. It has further been submitted that in the accident in question, the claimant had received multiple, serious and grievous injuries on various parts of his body including multiple fractures. After the accident, the claimant was shifted to Civil Hospital, Jhajjar for treatment but due to critical condition of the petitioner, he was referred to PGIMS, Rohtak but the claimant admitted in OSCAR Hospital, Jhajjar, where he was treated and remained admitted many days and the plaintiff has taken treatment from Arora Hospital, Hisar, Raj Orthocare Jindal Chowk, Hisar and other hospitals and he remained admitted for many days and a sum of Rs.20,00,000/- was incurred on treatment viz. Doctor's charges, medicines, special diet, transportation etc. That due to the accident, the claimant has suffered a lot. The claimant could not be promoted to the post of Head Constable due to this accident. This accident has caused huge financial loss to the claimant alongwith promotion loss. Hence, with all these averments, the claimant prayed for compensation of ₹10,00,00,000/- (Ten Crore only).

5. Upon notice of claim petition, respondent No.1 and 2 have appeared and filed their joint written statement in which, besides the

general preliminary objections regarding maintainability and concealment of true and material facts etc., it has been submitted that the accident took place due to sole negligence of claimant/petitioner and he cannot take benefit of his own wrong. That the petitioner/claimant was not holding a valid and effective driving license at the time of accident. It is denied that offending vehicle Tata-709 bearing registration No.HR-46C-8777 hit the motorcycle of the claimant from the front side near village Kablana after going on the wrong side. That the claimant was driving his motorcycle rashly, negligently and at a high speed without caring traffic rules and on wrong side of the road. The vehicle of respondent No.2 is insured with Oriental Insurance Company Ltd. and policy is valid from 17.07.2018 to 16.07.2019. It is specifically denied that the injured was hale and healthy and his future was bright and this accident has ruined the future of the petitioner and his family. It is also denied that the promotion of the petitioner for the post of head constable was due and he could not be promoted due to this accident. Rest of averments taken by the claimant were denied and it was prayed that the claim petition be dismissed.

6. Respondent No.3 appeared and filed a written statement in which, besides the general preliminary objections regarding maintainability, cause of action, locus-standi, bad for mis-joinder and non-joinder etc., it has been submitted that no such accident has taken place. The petitioner has suffered injuries somewhere else and in some

other manner by driving his own motorcycle in the middle of the road, unmindful of coming and going traffic on the road and it is case of hit and run or the motorcycle skidded of the road and attributed this false case to the vehicle No.HR-46C-8777. Moreover the FIR was lodged after one day of accident, which all shows that it a planned and planted accident case to claim compensation otherwise there is no truth in the contents of petition and FIR and the petitioner was not wearing helmet or a lifeguard which could have saved him from the injuries and non-wearing of helmet is violation of Motor Vehicle Act and rules, hence not entitled to any kind of claim. That the claim petition is liable to be dismissed on account of non-compliance of section 158(6) of the M.V. Act, 1988 on account of non-furnishing of accident information report on form No. 54 of the central motor vehicle rules which is mandatory. That the owner of the vehicle has failed to comply with the provisions of motor vehicle Act, 1988 by not giving the information in writing to the answering respondent about the occurrence of the accident, Insurance policy number and period of its validity, date, time and place of accident, particulars of persons injured/ died in the accident and name of driver and the particulars of his driving license which are mandatory. That the vehicle was being driven in breach of the condition of policy of insurance as the driver of vehicle in question was not holding a valid and effective driving license with relevant endorsement regarding driving of the vehicle in question at the time of accident. Moreover, the license of the driver respondent no.1 here in was fake and bogus one. The condition of the motor vehicle Act, 149(2) were also being violated, therefore, the insurance company is not at all liable because the driver of vehicle was not holding a valid and effective driving license. That the owner of the vehicle has knowingly and deliberately committed the breach of terms and condition of policy of insurance as he handed over the vehicle to person who was not holding a valid and effective driving license and no positive step was taken to avoid the breach of terms and condition of policy of insurance by verification of genuineness of the driving license as such answering respondent cannot be held liable to indemnify the owner. That the claimant be directed to give undertaking that he has not filed any other claim petition regarding this accident. In case any award is made first they are only at liberty to retain the amount of award first paid and bound to refund the subsequent amount of award along with interest. That the answering respondent is not liable to pay interest on the claimed amount and not at all liable to pay interest for unnecessary and unwanted delay on the part of the claimant and in any case, the company is not at all liable to pay interest beyond 6% per annum as lowered by the Reserve Bank of India. That the original policy of insurance, (though insurance not admitted) if any, with the owner of the vehicle who may be directed to place the same on file and in case of failure to produce the same then the company may be allowed to produce duplicate copy of the policy of insurance by way of secondary evidence on the file. That no such treatment was taken by the petitioner and no such amount was spent and the claim is unfounded and inflated one and petitioner be put to strict proof of the same. That the vehicle was not insured with the answering respondent on the day of accident. That the vehicle No.HR-46C-8777 was not involved in the accident rather the pleading of petitioner and contents of FIR shows that the petitioner has suffered injuries on account of his own fault, some where else and in some other manner and concocted the false story of accident in collusion with respondent no.1 and 2 to claim compensation otherwise there is no truth in the story put forth by the petitioner as such claim petition may be dismissed against the answering respondent. Rest of averments taken by the claimant were denied and it was prayed that the claim petition be dismissed.

7. On the basis of the pleadings of the parties, the following issues were framed as under:

1. Whether the accident in question took place on 18.05.2019, at about 02:15 PM, in the area of village Kablana at Delhi-Jhajjar road, due to rash and negligent driving of vehicle Tata 709 bearing registration No.HR-46C-8777, by respondent No.1, causing injuries to petitioner? OPP

2. If issue No.1 is proved, whether the petitioner is entitled to compensation, if so as to what extent and from whom? OPR

3. Whether the petitioner has neither locus standi nor cause of action to file this petition? OPR

4. Whether the petition is not maintainable in its form? OPR

5. Relief.

8. In order to prove his case, the claimant has examined following witnesses:

Witness No.	Name of witnesses
PW1	Ravinder (claimant).
PW2	Vishal, Record In-charge, Arora Orthopaedic Hospital, Hisar.
PW3	Deepander, Pharmacist, Oscar Hospital, Jhajjar.

The following documentary evidence was produced by the claimant:

Exhibit No.	Particulars
Ex.P1	Certificate issued by Arora Orthopaedic Hospital, Hisar.
Ex.P2	OPD Slip of Arora Orthopaedic Hospital, Hisar.
Ex.P3	Bill of Arora Drug Store.
Ex.P4 to Ex.P7	Bills of Arora X-Ray, Clinical Laboratory and Admission Slip
Ex.P8 to Ex.P43	Medical Bills.
Ex.P44	Discharge Card of Arora Orthopaedic Hospital, Hisar.
Ex.P45 to Ex.P79	Medical Bills.
Ex.P80	Discharge Summary of Arora Orthopaedic Hospital, Hisar.
Ex.P81 to Ex.P108	Medical Bills.
Ex.P109	Discharge Summary of Arora Orthopaedic Hospital, Hisar.
Ex.P110	OPD Slip of Arora Orthopaedic Hospital, Hisar.
Ex.P111 to Ex.P113	Medical Bills.

Ex.P114 & Ex.P115	OPD Slip of Arora Orthopaedic Hospital, Hisar.
Ex.P116 & Ex.P117	Medical Bills.
Ex.P118	OPD Slip of Arora Orthopaedic Hospital, Hisar.
Ex.P119 & Ex.P120	Medical Bills.
Ex.P121	OPD Slip of Arora Orthopaedic Hospital, Hisar.
Ex.P122 & Ex.P123	Medical Bills.
Ex.P124	OPD Slip of Arora Orthopaedic Hospital, Hisar.
Ex.P125 & Ex.P126	Medical Bills.
Ex.P127	Copy of certificate issued to claimant by Arora Orthopaedic Hospital, Hisar.
Ex.P128	Authority letter issued by Dr. Ashok Arora, Arora Orthopaedic Hospital, Hisar.
Ex.P129	Discharge card/summary of Oscar Hospital, Jhajjar.
Ex.P130	Final Bill of Oscar Hospital, Jhajjar
Ex.P131	Certificate issued by Oscar Hospital, Jhajjar.
Ex.PA	Copy of FIR.
Ex.PB	Copy of challan/report under Section 173 Cr.P.C.
Ex.PC	Copy of charge sheet dated 18.02.2020, issued by learmed JMIC, Bahadurgarh
Mark-A to Mark-E	Medical bills of Satija Hospital and Saroj Hospital.
Mark-F	OPD Slip of Raj Hospital & Fracture Clinic, Singhana, Jhunjhunu, Rajasthan.
Mark-G to Mark-I	Medical bills of Raj Hospital & Fracture Clinic, Singhana, Jhunjhunu, Rajasthan.
Mark-M1	Copy of site plan of the place of accident.
Mark-M2	Copy of Mechanic report of offending vehicle No.HR-46C-8777.
Mark-M3	Copy of RC of offending vehicle No.HR-46C-8777.
Mark-M4	Copy of driving license of claimant.
Mark-M5	Copy of Aadhar card of claimant.

9. On the other hand, the respondent has examined following

witness:

Witness No.	Name of witness
RW1	Kamal Khanna (respondent No.2).
RW2	Ritesh, Clerk, RTA Office, Rohtak.

The following documentary evidence was produced by the respondents :

Exhibit No.	Particulars
Ex.R1	Insurance Police of vehicle No.HR-46C-8777
Ex.RW1/1	Copy of RC of vehicle No.HR-46C-8777
Ex.RW1/2	Application moved to RTA, Rohtak for taking information regarding permit and authorization verification.
Ex.RW1/3	Copy of Fitness report of vehicle No.HR-46C-8777
Ex.RW1/4	Copy of Insurance Policy of vehicle No.HR-46C-8777.
Ex.RW1/5	Copy of recovery memo of offending vehicle No.HR-46C-8777, its RC, Insurance and DL of respondent No.1.
Ex.RW1/5-A	Mechanic report of offending vehicle No.HR-46C-8777.
Ex.RW1/6	Mechanic report of vehicle No.HR-19L-5016.
Ex.RW2/1	Copy of register of motor vehicle regarding vehicle No.HR-46C-8777.
Ex.RW2/2	Copy of Authorisation fee deposit register.
Ex.RW2/3	Registered vehicle details report of vehicle No.HR-46C-8777
Mark-RW1/A	Copy of driving license of respondent No.1.

10. The following documentary evidence was produced by the claimant in his rebuttal evidence :

Exhibit No.	Particulars
Mark-X	Copy of Medical rukka/police information
Mark-Y	Medico-legal report of claimant.

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11. I have heard learned counsel for the parties and have gone through the case file carefully. My issue-wise findings, with reasons thereof, are as under:

ISSUE NO.1:

> *Whether the accident in question took place on 18.05.2019, at about 02:15 PM, in the area of village Kablana at Delhi-Jhajjar road, due to rash and negligent driving of vehicle Tata 709 bearing registration No.HR-46C-8777, by respondent No.1, causing injuries to petitioner? OPP*

12. In order to discharge the onus of this issue, claimant Ravinder himself stepped into witness box as PW1 and in his examination-in-chief, he reiterated his case to prove commission of accident on account of rash and negligent driving of respondent No.1 and he was cross-examined at length by learned counsel for the respondent, but nothing could be elicited from his mouth which could help the respondents. The claimant examined Vishal, Record In-charge, Arora Orthopaedic Hospital, Hisar as PW2 and Deepander, Pharmacist, Oscar Hospital, Jhajjar as PW3 to support his case. The claimant has given a detailed account of the said accident including the fact that the offending vehicle bearing registration No.HR-46C-8777 was being driven by respondent No.1 in a rash and negligent manner and the offending vehicle hit the claimant by coming on wrong side and in a rash and negligent manner. As a result thereof the claimant Ravinder received multiple, serious and grievous injuries. It has been submitted that the said accident

had taken place due to sole, rash and negligent driving of the offending vehicle by respondent No.1. The claimant has also placed on record documents to prove his case as certificate issued by Arora Orthopaedic Hospital, Hisar Ex.P1, copy of Discharge Card/Discharge Summary of Oscar Hospital, Jhajjar Ex.P129, copy of medico-legal report Mark-Y, copy of FIR Ex.PA, copy of challan/report under Section 173 Cr.P.C. Ex.PB, copy of charge sheet dated 18.02.2020 issued by learned JMIC, Bahadurgarh Ex.PC, copy of site plan of the place of accident Mark-M1, copy of Mechanic report of offending vehicle No.HR-46C-8777.

13. Learned counsel for respondent No.3-Insurance company referred to copy of site plan Mark-M1 and argued that from the site plan itself it is clear that the accident has taken place due to negligence of claimant. However, this contention is without any merits because in the site plan the investigating officer has mentioned place Mark-A where offending vehicle hit the motorcycle of claimant and Mark-B as a place where the motorcycle was lying.

14. There is no rebuttal to the aforesaid evidence. Respondent No.1, who is alleged to have caused the said accident due to his rashness and negligence, did not appear in the witness-box in order to testify that he was not responsible for causing the said accident and, therefore, an adverse inference is liable to be drawn against him. It has been held in ***Raju Vs. Sukhvinder Rai 2006 (4) RCR (Civil) 83*** that when driver of the

offending vehicle does not come forward to depose before the court regarding his false implication in the case or does not come forward to deny his negligence, an adverse inference is liable to be drawn against him.

15. Moreover, it is settled law that registration of criminal case against the driver of offending vehicle for causing accident by rash and negligent act is a *prima-facie* proof that the accident was a result of rashness and negligence on his part as settled in ***Girdhari Lal Vs. Radhey Shyam & Ors. 1993 (2) P.L.R. 109.*** It is further settled proposition of law that in motor vehicle accidents claim cases, the approach to find out who was rash and negligent in causing the accident is different from the one when a person is challaned in a criminal court. The burden of proof on the petitioner is not that heavy as is required to prove a criminal charge for rash and negligent driving of the vehicle.

16. The contention of learned counsel for respondent No.3-insurance company is that there is delay of one day in registration of FIR, which has rendered the case of the claimant doubtful, but this contention is without merits as the contents of challan Ex.PB read with police information Mark-X shows that intimation was given to police in time and there is no fault at the part of claimant. In the aforesaid circumstances, it is held that the said accident was caused due to rash and negligent driving of offending vehicle bearing registration No.HR-46C-8777 by respondent

No.1 which resulted in causing the injuries to Ravinder.

As such, issue No.1 is decided in favour of the claimant and against the respondents.

<u>ISSUE NO.2</u> :

If issue No.1 is proved, whether the petitioner is entitled to compensation, if so as to what extent and from whom? OPR

17. Onus to prove this issue was upon the claimant who was required to prove that he is entitled to claim compensation and its extent as also liability of the respondents to pay the compensation.

18. As per the stand of the claimant, he is serving in Central Reserve Police force as Constable GD. Hence, so far as loss of income is concerned, the accident had taken place on 18.05.2019 and claimant/injured was shifted to General Hospital, Jhajjar and was referred to PGIMS, Rohtak but he was shifted to Oscar Hospital, Jhajjar where he was treated and remained admitted from 18.05.2019 to 28.05.2019, he remained admitted in Arora Orthopaedic Hospital Hisar from 17.08.2019 to 08.09.2019 and 27.11.2019 to 06.12.2019 as a indoor patient. However, the claimant being a Government servant must have received salary during the period of hospitalization. Therefore, the loss of income to the claimant during the period of hospitalization is treated as "**Nil**".

19. As no disability either temporary or permanent to the claimant is proved. The claimant has been treated for injuries (*fracture of*

both LT radius and ulna bone with fracture of LT femur bone for which the patient was operated). He was treated from Civil Hospital, Jhajjar, Oscar Hospital, Jhajjar, Arora Orthopaedic Hospital, Hisar and other hospitals as indoor patient and outdoor patient. As regards the amount spent by claimant on his treatment. It is claimed that he has spent a sum of Rs.20,00,000/- on treatment etc. However, from the testimony of PW2 Vishal, Record In-charge, Arora Orthopeadic Hospital, Hisar and PW3 Deepander, Pharmacist, Oscar Hospital, Jhajjar read with bills produced in evidence, it is clear that the claimant has spent a total sum of Rs.4,80,388/-. Therefore, the claimant is awarded ₹4,80,388/- as medical expenses of treatment.

20. There is no documentary evidence regarding the amount spent by claimant on other customary heads, but having regard to the nature of injuries sustained by him and the period for which claimant/injured remained under treatment, an amount of **₹20,000/-** is allowed for attendant charges to the claimant. In addition to the said amount, the claimant must have taken special diet during the course of his treatment, therefore, the claimant is held entitled to compensation in lieu of special diet amounting to **₹25,000**/-. Further, the claimant shall be entitled to receive an amount of **₹40,000/-** on account of trauma, pain and suffering caused due to the said accident considering the nature of injuries and period of treatment. Moreover, the claimant is also entitled to

transportation charges of **₹20,000**/- because he remained under treatment during long period and had to visit hospital again and again for taking treatment as indoor patient as well as outdoor patient.

21. In view of the above discussion, the claimant is held entitled to the compensation as follows:-

(I). Pecuniary damages	
1. Loss of Income	Nil
2. Transportation to hospital	₹20,000/-
3. Attendant Charges	₹20,000/-
4. Diet and nutrition	₹25,000/-
5. Medical expenses (i) Cost of medicines (ii) Hospital Charges (iii) Surgery (iv) Consultation Charges (v) Future expenses	₹4,80,388/- Nil.
(II). Non pecuniary damages	
6. Percentage of disability assessed and nature of disability as permanent or temporary - Loss of amenities or loss of expectation of life span on account of disability	Nil
7. Pain and sufferings	₹40,000/-
8. Loss of prospectus of marriage	Nil
(III). Disability resulting in loss of earning capacity	Nil
9. Loss of future earning capacity in relation to disability.	Nil
Total	**₹5,85,388/-**

22. Hence, the **claimant/injured** is held entitled to the

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compensation of **₹5,85,388/- (Rupees Five Lac Eighty Five thousand Three Hundred Eighty Eight only).**

23. So far as the liability of the respondents is concerned, as observed under issue No.1, the accident in question was caused due to sole negligence of respondent No.1 while he was driving the offending vehicle in a rash and negligent manner. Perusal of copy of the insurance policy Ex.R1 reveals that the offending vehicle was insured with respondent No.3 at the time of accident and the policy is valid from 17.07.2018 to 16.07.2019. Perusal of copy of registration certificate Ex.RW1/1 reveals that the offending vehicle bearing registration No.HR-46C-8777 is registered in the name of respondent No.2. Further, copy of driving license Mark RW1/A reveals that respondent No.1 was holding a valid and effective driving license at the time of accident, which is valid till 20.09.2025, which covers the date of accident. Copy of report Ex.RW1/2 and Ex.RW1/3 shows that the vehicle was holding valid permit and fitness. The onus to prove invalidity and ineffectiveness of the driving licence and breach of the terms and conditions of the insurance policy by respondent No.1 was upon respondent No.3, but the respondent No.3 has not produced any oral or documentary evidence to prove invalidity or ineffectiveness of the driving license of respondent No.1 or breach of any of the terms and conditions of the insurance policy by respondents. Therefore, respondent No.3, being the insurer of the offending vehicle on

the date and time of the said accident, would be liable to indemnify the insured regarding the amount of compensation payable to the claimant.

Accordingly, this issue is decided in favour of the claimant and against the respondents.

ISSUES NO.3 & 4:

Whether the petitioner has neither locus standi nor cause of action to file this petition? OPR
Whether the petition is not maintainable in its form? OPR

24. The onus to prove this issue was upon the respondents. No evidence has been led by the respondents to prove this issue, rather from the findings recorded on issues No.1 and 2, it is clear that the accident in question has been caused by respondent No.1 by driving offending vehicle bearing registration No.HR-46C-8777 and the claimant has been held entitled to receive a compensation of ₹5,85,388/-. In view of the findings on issues No.1 and 2, these issues are decided against the respondents.

ISSUE NO.5, RELIEF:

25. In view of my above issue-wise findings, the claim petition is **partly allowed** with costs in favour of the claimant/petitioner and against the respondents and a compensation of **₹5,85,388/-** on account of the injuries suffered by him in the accident in question along-with interest @ 7.5% per annum from the date of institution of the petition till realization of the awarded amount is awarded to the claimant. The respondent No.3

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shall make the payment of compensation to the claimant.

26. The amount of compensation shall be paid to the claimant through cheque/demand drafts/RTGS within three months from the date of this Award, on furnishing account details to the learned counsel for respondent No.3-Insurance Company.

27. Counsel fee is assessed as ₹15,00/- each. Memo of costs be prepared accordingly. File be consigned to the record room after due compliance.

Announced in open Court.
Dated: 22.07.2026.

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Note: Each page of this judgment has been directly dictated on computer, checked and signed by me.

Ravinder, Stenographer-II.

(Satish Kumar)
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Charkhi Dadri. 22.07.2026.

RAVINDER Digitally signed by RAVINDER Date: 2026.08.01 15:01:50 +0530

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Motor Accident Claim Tribunal,
Charkhi Dadri.