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IN THE HIGH COURT OF DELHI AT NEW DELHI

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MAC.APP. 574/2025 & CM Appl. 56225/2025

U.P STATE ROAD TRANSPORT CORPORATION.....Appellant

Through: Mr. Shadab Khan, Adv.

versus

SABANA & ORS.

.....Respondents

Through: Mr. S.N. Parashar and Mr. Ritik Singh, Advs. for R-1 to 4.

Mr. Pankaj Gupta and Ms. Jyoti Khulbe, Advs. for R-5 and 6.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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08.09.2025

CM Appl. 56226/2025/Exemption from filing certified copies/

1. Allowed, subject to just exceptions.
2. The Application stands disposed of.

MAC.APP. 574/2025 & CM Appl. 56225/2025/Stay/

3. The present Appeal has been filed under Section 173 of the Motor Vehicles Act, 1988 [hereinafter referred to as "MV Act"] impugning the award dated 04.06.2025 passed by the learned Presiding Officer, MACT-02, North, Rohini Courts, Delhi [hereinafter referred to as "Impugned Award"]. By the Impugned Award, the compensation amount in the sum of Rs.52,53,000/- along with interest at the rate of 7.5% has been awarded.
4. The challenge in the present Appeal is on three grounds by the owner of the vehicle. Firstly, he submits that the vehicle of the Appellant is not involved in the accident at all and that there is no finding of negligence. Secondly, he submits that the learned Tribunal wrongly calculated the



compensation based on the salary of the deceased which could not be proved. Thirdly, it is contended that the interest on future prospects could not have been granted by the learned Tribunal.

5. Learned Counsel for the Appellant submits that the vehicle of the Appellant was plying on the road at the time of the accident, but the bus was not involved in the accident but an unknown car hit the deceased, who was riding on a motorcycle, and the deceased succumbed to injuries. It is stated that this aspect was also set out in the Written Statement by the deceased, however, the learned Tribunal has not examined the same.

5.1 Learned Counsel for the Appellant further submits that the income of the deceased was not proved despite which the learned Tribunal calculated income at the rate of Rs. 23,000/- per month for grant of compensation. Lastly, he submits that income on future prospects cannot be granted.

6. Learned Counsel for Respondent Nos. 1 to 6, who appear on advance service, submits that the accident occurred on 22.12.2016 at around 4 PM and that within 30-40 minutes, an FIR was lodged and registered. The eye witness of the accident was the father of the deceased [PW-2] who was waiting at a bus stop for the deceased to give him a cell phone. Reliance in this behalf is placed on the FIR as well as the testimony of PW-2.

6.1 Learned Counsel for Respondents, further submits that this aspect of the involvement of the bus was specifically raised and examined before the learned Tribunal and the learned Tribunal found that even though this issue was raised by the Appellant, no evidence was brought on record to show the non-involvement of the bus or that no questions were put to the witness in this behalf, neither was any action taken against the so-called unknown car which was supposed to have been involved in the accident as per the



Appellant.

7. The record reflects that the learned Tribunal has examined the aspect of the involvement of the vehicle in detail and given a finding that the contentions of the Appellant were unsubstantiated as follows:

*“12. No doubt, the respondents no. 1 & 2 have examined themselves as RIW1 and RIW2 during the course of inquiry. So far as, the testimony of respondent no. 2(R2W1 who is AR of respondent no. 2) is concerned, same is of no relevance for the purpose of this issue as he was undisputedly not present at the time of accident. **On the other hand, RIW1 (respondent no. 1 has deposed in his evidence by way of affidavit Ex. RIW1/A that there was no rash and negligent driving on his part while driving vehicle bearing registration no. UP15-BT-9141. He further deposed that when he reached at Dadri Bypass, saw a motorcyclist riding the motorcycle in a rash and negligent manner and while crossing the turn, he got hit by one unknown car and lost his control, fell down and sustained injuries. He further deposed that driver of the car ran away from the spot and he has been falsely implicated in the present case. During his cross-examination on behalf of petitioners, he deposed that he had not lodged any complaint regarding false implication of his vehicle. He volunteered that he had visited the PS in this regard but his complaint was not recorded by the police officials. He further deposed that after that he did not approach any superior authority regarding false implication of his vehicle in the matter. He further deposed that he had informed his Depot Manager in this regard.***

*13. It is quite evident from the above discussed testimony of aforesaid witness that even he is also admitting the fact that he was driving **bus bearing registration no. UP15-BT-9141 at the time of accident and also that deceased met with an accident in front of him at that time. It is pertinent to note that the plea raised by respondent no.1 that accident occurred due to one unknown car remained unsubstantiated during the course of inquiry as apart from his bald statement in this regard, no other evidence whatsoever has been led by him in this regard.***

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*15. As regards the testimony of the respondent no. 1 (examined as **RIW1**), it may be noted that he has simply deposed that he did not cause the accident in question and he has been falsely implicated in the present case. Firstly, the petitioners have examined PW2 who has proved the documents like FIR and Chargesheet filed in the present case to the effect that accident was caused due to rash and negligent driving of offending vehicle by respondent no. 1. Secondly, the respondent no. 1 (RIW1) has deposed that he had not lodged any complaint regarding false implication of his vehicle. **Furthermore, it is quite obvious that both these witnesses have***



taken the aforesaid plea in order to escape the penal consequences as criminal case is pending trial against respondent no. 1 for causing the accident.

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18. In view of the aforesaid discussion and the evidence which has come on record, it is held that the petitioners have been able to prove on the **basis of preponderance of probabilities that Smt. Reena Devi had sustained fatal injuries in the road accident which took place on 22.12.2016 at about 4:00 PM at Dhummanikpur Bypass, PS. Badalpur, District Gautam Budh Nagar, due to rash and negligent driving on the part of driver of offending vehicle. Thus, this issue is decided in favour of petitioners and against the respondents.**

[Emphasis supplied]

8. On the aspect of compensation awarded, it is contended by the learned Counsel for the Respondents that income of the deceased was duly proved by the evidence of PW-3, who is the employer of the deceased. Reliance in this behalf is placed on paragraph 28 of the Impugned Award as well as Ex.PW3/A showing deposit of Rs.23,000/- per month in the bank account of the deceased.

9. On the aspect of interest on future prospects, learned Counsel for the Respondents seeks to rely on the judgment passed by the Supreme Court in ***The Oriental Insurance & Co. Ltd. v. Niru @ Niharika & Ors.***; Special Leave Petition (C) No. 11340/2020.

10. Learned Counsel for the Respondents thus contend that the Impugned Award does not suffer from any infirmity.

11. Issue Notice. Learned Counsel for Respondent Nos. 1 to 6 accept Notice. On steps being taken, let Notice be issued to Respondent No. 7 via all modes. An affidavit of service be filed within two weeks.

12. Subject to the deposit of entire decretal amount inclusive of up-to-date interest within a period of 6 weeks, the operation of the Impugned Award



shall remain stayed till the next date of hearing. In the event, there is any default in depositing the amount, the interim protection granted by this Court shall automatically stand vacated.

12.1 In view of the discussions above, upon deposit by the Appellant, 75% of the deposited amount inclusive of up-to-date interest shall be released to the Respondents/Claimants in accordance with scheme, as is set out in the Impugned Award.

12.2 Needless to add, the order passed for release shall be subject to the outcome of the Appeal.

13. List before the concerned Registrar for completion of service on 25.11.2025.

14. List before Court on 09.03.2026.

15. In the meantime, the parties shall file their short note of contentions in the matter, not exceeding three pages each, at least three days before the next date of hearing, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

16. The Registry is directed to place on record the digital copy of the Trial Court Record duly paginated and book-marked in accordance with the rules of the High Court.

17. The parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 8, 2025/r