Sr. No. 10

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

MA No. 373/2012 c/w
MA No. 374/2012
MA No. 375/2012

Pronounced on : 06.02.2026
Uploaded on : 09.02.2026

MA No. 373/2012

1. Union of India through Secretary, ...Appellant(s)
Ministry of Defence,
Govt. of India, New Delhi.

2. Officer Commanding 58 RCC GREF,
C/o 56 APO.

Through :- **Mr. R S Jamwal, CGSC**

v/s

1. Vikram Sharma, S/o Ashok Kumar, ...Respondent(s)
R/o Agrati, Tehsil & District Rajouri.

2. Kishore Kumar No: 148140/83-F,
58 RCC GREF Camp, Bathuni,
Driver of Water Tank No. 06ZE/68755.

Through :- **Mr. Dewakar Sharma, Advocate**

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

MA No. 374/2012

1. Union of India through Secretary, ... Appellant(s)
Ministry of Defence,
Govt. of India, New Delhi.

2. Officer Commanding 58 RCC GREF,
C/o 56 APO.

Through :- **Mr. R S Jamwal, CGSC**

v/s

1. Sat Pal, S/o Sita Ram, ...Respondent(s)

2. Kelash Devi, W/o Sat Pal,

3. Neeraj Kumar, S/o Sat Pal,
All residents of Doongi Grati Deharlan,
Tehsil & District Rajouri.

4. Kishore Kumar No: 148140/83-F, ...Performa Respondent
58 RCC GREF Camp, Bathuni,

Driver of Water Tank No. 06ZE/68755.

Through :- **Mr. Dewakar Sharma, Advocate**

MA No. 375/2012

1. Union of India through Secretary,
Ministry of Defence,
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2. Officer Commanding 58 RCC GREF,
C/o 56 APO.

Through :- **Mr. R S Jamwal, CGSC**

v/s

1. Vikas Sharma, S/o Chander Parkash,
R/o Agrati, Tehsil & District Rajouri. .....Respondent(s)

2. Kishore Kumar No: 148140/83-F,
58 RCC GREF Camp, Bathuni,
Driver of Water Tank No. 06ZE/68755. .....Performa Respondent

Through :- **Mr. Dewakar Sharma, Advocate**

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CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER (ORAL)
06.02.2026

1. In all these three appeals, the Union of India and the Officer Commanding 58 RCC GREF have thrown challenge to a composite award dated 16.05.2012 passed by the Motor Accident Claims Tribunal **["the Tribunal"]**, Rajouri in, File No. 39/Claim titled *"Sat Pal & Ors. Vs. Union of India & Ors.",* File No. 79/Claim titled *"Vikas Sharma Vs. Union of India & Ors.",* File No. 80/Claim titled *"Vikram Sharma Vs. Union of India & Ors.",* whereby the Tribunal has awarded a sum of ₹ 4,31,000/- in File No. 39/Claim, ₹ 4,00,000/- in File No. 79/Claim and ₹ 7,00,000/- in

File No. 80/Claim, respectively along with interest @ 7% per annum from the date of petition till the amount is realized.

2. Briefly stating, the facts leading to the filing of these appeals are that, on 16.04.2008 deceased Sushant Kumar Sharma, injured Vikas Sharma and Vikram Sharma were riding on a motorcycle bearing Registration No. JK02W/7078. The motorcycle was being driven by the injured Vikas Sharma on Jammu-Poonch National Highway. At a distance of about 6/7 Kms away from Rajouri, the motorcycle carrying aforesaid three persons met with an accident with a Water-tanker of GREF bearing Registration No. 06ZE/68755, which at the relevant point of time was driven by one Kishore Kumar. As a result of this collision between the Water-tanker and the motorcycle, one pillion rider Sushant Kumar Sharma died, whereas the other two, namely, Vikas Sharma and Vikram Sharma suffered multiple injuries.

3. The legal heirs of Sushant Kumar Sharma filed claim petition registered as File No. 39/Claim, for seeking compensation from the appellants herein and driver Kishore Kumar, on the ground that the death of pillion rider Sushant Kumar Sharma had happened due to a motor accident committed by the driver of the Water-tanker namely Kishore Kumar by driving the offending vehicle in a rash and negligent manner. Two similar petitions were also filed by Vikas Sharma and Vikram Sharma, who suffered injuries in the same accident. The claim petitions were contested by the appellants herein, primarily on the ground that, the accident in which Sushant

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Kumar Sharma lost his life and claimants Vikas Sharma and Vikram Sharma received serious injuries had occurred due to the negligent driving of the motorcycle by its driver Vikas Sharma and not because of any rash and negligent act of the driver of the GREF, Kishore Kumar.

4. On the basis of pleadings of the parties, the Tribunal, *inter alia,* framed the issues, one with regard to the negligence of the driver of the offending vehicle, resulting into an accident in which one Sushant Kumar Sharma died and Vikas Sharma and Vikram Sharma were injured. There was a separate issue framed as to the amount of compensation to which the claimants in each petition were entitled to.

5. With a view to prove Issue No. 1, the onus whereof, was on the claimants, the claimants produced PW Sat Pal, PW Ravi Kumar and PW Vicky Kumar. They were also the witnesses with regard to the quantum of the compensation which the claimants in each petition were entitled to. The appellants herein also led their evidence in rebuttal and produced RW Anil Kumar and RW Kishore Kumar, the driver of the offending vehicle. The Tribunal having considered the evidence led by both the sides as also the other documentary evidence on record, came to the conclusion that the claimants had successfully proved Issue No. 1 and it was amply demonstrated that on the fateful date of 16.04.2008, the motor accident between the motorcycle and the offending Water-tanker occurred due to rash and negligent driving by the driver of the offending vehicle namely

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Kishore Kumar. The Tribunal, thereafter, proceeded to work out the compensation payable to the claimants in light of the legal position settled in the judgment rendered by the Supreme Court in case titled *"Mrs. Sarla Verma & Ors. Vs. Delhi Transport Corp. & Anr."* **[AIR 2009 SC 3104]** and allowed all the claim petitions in terms of the award impugned in the different sums as indicated above.

6. The impugned award is assailed by the appellants, only on the ground that, the Tribunal has failed to consider that the accident had occurred due to the sheer negligence of the driver of the motorcycle and not because of any rash or negligent driving of the Water-tanker by Kishore Kumar owned by the appellants. Strong reliance was placed upon the statement made by RW Kishore Kumar to substantiate the aforesaid ground of challenge prominently urged in all these appeals by the appellants. There was, however, no serious challenge to the amount awarded by the Tribunal to the claimants in all the three claim petitions.

7. Having heard learned counsel for the parties at length and perused the material available on record, **I am of the considered opinion that the impugned award passed by the Tribunal is legally and factually correct and does not call for any interference in these appeals.** It is true that the appellants before the Tribunal had taken a stand that the accident in question had happened due to rash and negligent driving of the motorcycle driven by Vikas Sharma and to substantiate, they also produced RW Kishore Kumar as their witness. The Tribunal had considered the statement of RW Kishore

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Kumar and has rightly not given any credence for the reason that RW Kishore Kumar is none other than the driver of the offending vehicle and, therefore, was not expected to admit his guilt. He was most likely to shift the blame to the other vehicle which was hit by him because of his rash and negligent driving of the Water-tanker. The appellants have not taken pains to place on record any other documentary evidence, in particular, copy of the FIR or the Challan, to show that it was Vikas Sharma who was prosecuted for negligent driving and not the driver of the offending vehicle-Water-tanker i.e. Kishore Kumar.

8. In the face of aforesaid evidence brought on record by the appellants and the statement of PW Sat Pal, PW Ravi Kumar and PW Vicky Kumar, the Tribunal had no other option but to hold the Issue No. 1 proved in favour of the claimants and against the appellants herein.

9. For all these reasons, **I find no merit in these appeals and the same are, accordingly, dismissed.**

10. The amount so deposited by the Appellants before this Court shall be released in favour of the claimants in terms of the order impugned, after due verification and identification.

(Sanjeev Kumar)
Judge

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06.02.2026
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Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No

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