



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No.19 of 2012

19 August, 2026

The New India Assurance Company Ltd

--Appellant

Versus

Sri Prakash Morya & others

--Respondents

With

Appeal From Order No.156 of 2012

Sri Prakash Morya

--Appellant

Versus

Arvind Kumar Tripathi & others

--Respondents

Presence:-

Mr. P.C. Maulekhi, learned counsel for the appellant.

Ms. Disha Vashisth, learned counsel holding brief of Ms. Monika Pant, learned counsel for respondent no.7.

Hon'ble Pankaj Purohit, J.

Since these two appeals arise from one and the same judgment and award involve common facts and questions of law, they are being decided and disposed of by this common judgment and order. AO No.19/2012 is filed by the Insurance Company, while AO No.156/2012 by the claimant/appellant for enhancement.

2. The present appeals arise out of the judgment and award dated 11.08.2011 passed by the Motor Accident Claims Tribunal/Additional District Judge, Haridwar in M.A.C.P. No.137 of 2007, *Sri Prakash Morya vs. Sri Arvind Kumar*, whereby the Tribunal awarded a sum of Rs.4,40,000/- along with interest @ 6% per annum in favour of the claimant.



3. The facts giving rise to the present appeals are that on 22.07.2007, the claimant, Sri Prakash Maurya, was travelling in Bus No. UP-15-N-4525 from Haridwar towards Meerut. At about 4:30 p.m., near Mawana Road, Meerut, Bus No.HP-48-2676, allegedly being driven rashly and negligently at high speed, came onto the wrong side of the road and collided with the bus in which the claimant was travelling. In the accident, one passenger died and several others, including the claimant, sustained injuries. The claimant suffered fractures in both legs and underwent treatment at Jaswant Rai Hospital, Meerut, J.N. Hospital, Haridwar and other hospitals. Claiming compensation for the injuries, treatment expenses, loss of income and other consequential losses, he instituted Motor Accident Claim Petition No. 137 of 2007, claiming Rs.18,85,000/- as compensation.

4. The claim was contested by the concerned owners, drivers and insurance companies. The appellant-Insurance Company disputed its liability and also questioned the claimant's income, expenses and quantum of compensation. The Tribunal, vide judgment and award dated 11.08.2011, held the driver of Bus No. HP-48-2676 responsible for the accident and awarded Rs.4,40,000/- as compensation to the claimant. Aggrieved by the said award, the Insurance Company has preferred the present appeal.

5. The claimant pleaded that the accident occurred due to the rash and negligent driving of Bus No. HP-48-2676, which collided with the bus in which he was travelling. He stated that he suffered serious injuries, including fractures in both legs, requiring prolonged



treatment and resulting in permanent disability. He claimed that he was earning about Rs.10,000/- per month by imparting tuition and, owing to the injuries, had suffered loss of income and earning capacity besides substantial medical and other expenses. He accordingly claimed Rs.18,85,000/- as compensation.

6. The Insurance Company denied its liability and disputed the claimant's case regarding the accident, income, disability and expenses. It contended that the compensation claimed was excessive and unsupported by reliable evidence. It further pleaded that the claimant had failed to establish his income and actual treatment expenses and that the relevant documents relied upon by him were not duly proved.

7. On the basis of the pleadings of the parties, the learned Tribunal framed the following issues:

(i) Whether on 22.07.2007 the accident occurred due to rash and negligent driving of Bus No. HP-48-2676 and Bus No. UP-15-N-4525, resulting in serious injuries to the claimant?

(ii) Whether the drivers of the vehicles involved in the accident possessed valid driving licences?

(iii) Whether the vehicles involved in the accident were being driven with valid documents?

(iv) Whether the claimant is entitled to receive compensation? If so, from whom and to what extent?

8. While deciding issue no.1 the Tribunal, upon consideration of the evidence on record, held that the accident occurred due to the rash and negligent driving of Bus No. HP-48-2676. The allegation of negligence against Bus No. UP-15-N-4525 was not established. Accordingly, Issue No. 1 was decided in favour of the claimant.



9. While deciding issue no. 1 and 2 the Tribunal found that the drivers of the vehicles involved in the accident possessed valid driving licences and that the relevant documents of the vehicles were valid on the date of the accident. Accordingly, these issues were decided accordingly.

10. While deciding issue no. 4 the Tribunal held the claimant entitled to compensation and, after considering the evidence regarding his injuries, treatment, income and consequential losses, awarded a total compensation of Rs. 4,40,000/-, along with interest, against the concerned respondents

11. Having heard learned counsel for the parties and perused the record, this Court finds that both the connected appeals arise out of the judgment and award dated 11.08.2011 passed by the Motor Accident Claims Tribunal/Addl. District Judge, Haridwar in MACP No. 137 of 2007, Sri Prakash Mourya v. Sri Arvind Kumar Tripathi & Others. AO No. 156 of 2012 has been preferred by the claimant seeking enhancement of compensation, whereas AO No. 19 of 2012, The New India Assurance Company Ltd. v. Sri Prakash Mourya & Others, has been preferred by the Insurance Company questioning the quantum of compensation awarded by the Tribunal. The Tribunal, after considering the pleadings and evidence led by the parties, awarded a sum of Rs. 4,40,000/- along with interest @ 6% per annum towards compensation. On an independent consideration of the material available on record, this Court finds that the findings recorded by the Tribunal with regard to the nature of injuries suffered by the claimant, the treatment undergone by him, the period during which he remained



under treatment, the resultant disability and loss of income, as well as the expenses incurred towards treatment and other attendant requirements, are based on the evidence brought on record and do not suffer from any perversity or illegality. The claimant has not been able to demonstrate that the Tribunal has either failed to consider any material head of compensation or has awarded an amount which is disproportionate to the injuries and disability suffered by him. Likewise, the Insurance Company has also failed to point out any infirmity in the assessment made by the Tribunal or to establish that any amount has been awarded without a supporting basis. The assessment made by the Tribunal, therefore, cannot be said to be either inadequate or excessive.

12. This Court is further of the view that the Tribunal has appropriately appreciated the evidence and has arrived at a just and reasonable amount of compensation. No sufficient ground has been made out either for enhancement at the instance of the claimant or for reduction at the instance of the Insurance Company. The findings recorded by the Tribunal on the quantum of compensation are accordingly affirmed.

13. Accordingly, AO No. 156 of 2012, Sri Prakash Mourya v. Sri Arvind Kumar Tripathi & Others, and AO No. 19 of 2012, The New India Assurance Company Ltd. v. Sri Prakash Mourya & Others, are dismissed. The judgment and award dated 11.08.2011 passed by the Motor Accident Claims Tribunal/Addl. District Judge, Haridwar in MACP No. 137 of 2007, awarding ₹4,40,000/- along with interest @ 6% per annum, is hereby affirmed. The appellant-Insurance Company was



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directed by this Court to deposit an amount of Rs.3,50,000/- before the claims Tribunal and further directed to remit the statutory amount to Tribunal and to invest the same in FDR vide order dated 06.07.2012. The learned Tribunal is directed to release the entire amount under award to the respondent/claimant along with interest accrued thereon.

14. The Insurance Company shall deposit the balance amount under award i.e. Rs.4,40,000-3,75,000= Rs.65000/- to the learned Claims Tribunal within one month from receipt of copy of this judgment and order along with entire interest as granted by learned Tribunal and the learned Tribunal shall also release it to the respondent/claimant forthwith. Needless to say that any payment already made to the respondent/claimant shall be duly adjusted.

15. Let TCR be sent back for doing the needful.

(Pankaj Purohit, J.)
19.08.2026

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