



HIGH COURT OF UTTARAKHAND AT NAINITAL

Appeal From Order No. 395 of 2023

14 August, 2026

The New India Assurance Company Ltd

--Appellant

Versus

Smt Bhagwati

2: Rajat Rana

3: Suresh Pal

4: Vikram Jeet Singh

--Respondents

Presence:-

Mr. D.C.S. Rawat, learned counsel for the appellant.

Mr. Hari Mohan Bhatia and Mr. Mohd. Ruman, learned
counsel for the respondent nos.1 and 2.

Hon'ble Ravindra Maithani, J. (Oral)

Instant appeal is preferred against the judgment and award dated 22.07.2023, passed in Motor Accident Claim Petition No.83 of 2020, Smt. Bhagwati and another Vs. Suresh Pal and another ("the claim petition"), by the Motor Accident Claims Tribunal/Additional District Judge, Khatima, District Udham Singh Nagar ("the Tribunal"). By it, the claim petition filed by the respondent nos.1 and 2/the claimants, under Sections 140 and 166 of the Motor Vehicles Act, 1988, has been allowed and they have been awarded Rs. 12,99,280/- compensation with interest.



2. Heard learned counsel for the parties and perused the record.

3. According to the claim petition, on 22.01.2020, Narendra Singh S/o Bablu Singh ("the deceased") was going to SIDCUL, Sitarganj to attend his job at Karam Industries on a bicycle. On that date, at 08:30 a.m., when the deceased reached near village Siddh Garbyal, a Truck bearing Registration No. HR 65A 2868 ("the truck") hit the deceased from behind, which was being driven in a rash and negligent manner. Due to the collision, the deceased sustained serious injuries. He was taken to hospital, but he died during the course of the treatment.

4. The appellant as well as the respondent no.3 have filed their objections in the claim petition. Based on the pleadings of the parties, three issues were framed.

5. On behalf of the respondent no.1 and 2/the claimants, total three witnesses, namely, PW1 Smt. Bhagwati Devi/respondent no.1/the claimant herself, PW2 Rishpal Singh and PW3 Shadab Khan were examined. Documents were also submitted on behalf of the respondent no. 1 and 2/ the claimants.

6. The appellant or respondent no.3 did not



adduce any oral evidence. Documents were filed by them.

7. After hearing the parties, the Tribunal, on issue no.1 concluded that at the time of accident, the truck was being driven in a rash and negligent manner, and while coming on the wrong side, it hit the deceased, due to which the deceased sustained serious injuries and, subsequently, he died during the course of his treatment.

8. On issue no.2, the Tribunal held that at the time of accident, the truck had all the documents.

9. Issue no.3 is with regard to compensation. The Tribunal based on the salary slip of the month of December, 2019 assessed the monthly income of the deceased at Rs. 9,456/- and accordingly calculated the compensation.

10. Aggrieved by the judgment, the instant appeal has been preferred.

11. Learned counsel for the appellant submits that the truck was registered in Haryana, but for driving it in Uttarakhand, there was no authorization, and further that according to PW3 Shadab Khan, the salary of the deceased in the month of December 2019 was Rs.



9,321/-, therefore, assessment of the compensation should have been made accordingly.

12. On it learned counsel for the respondent no. 1 and 2/the claimants submit that the truck had valid permit to ply in the State of Uttarakhand; there has been no violation of any condition of the insurance. He also submits that the Tribunal had considered the documents pertaining to the salary of the deceased, as produced by PW3, Shadab Khan, and based on the pay slip for the month of December 2019, the Tribunal rightly concluded that the gross salary of the deceased was Rs. 9,456/- and accordingly the compensation was awarded.

13. In para- 48 of the impugned judgment, the Tribunal has discussed the validity of the authorization and permit of the truck. The Tribunal relied on the permit, which was renewed till 24.01.2026. The Tribunal also considered the copy of the authorization certificate and observed and, in fact, it was valid till 24.01.2026. The truck was a National Public Carrier. Based on the documents, the Tribunal has concluded that at the time of accident, the vehicle had valid permit and authorization. Therefore, the argument made on this aspect has less force.



14. With regard to the salary of the deceased, according to PW1 Smt. Bhagwati Devi, who is the claimant and respondent no.1 in this appeal, the deceased was working in the Karam Industries and he was getting Rs. 11,335/- per month as salary. PW2 Rishipal is witness of accident. He has stated about the manner of accident. Although, in para 12 of his examination, PW1, Smt. Bhagwati Devi, has stated that her husband was not permanent employee and she expressed ignorance about the exact salary of the deceased. But PW3 Shadab Khan is an officer of the Karam Industries. He has stated in para-3 as to what was the salary of the deceased in the past three months. He has produced the salary slip.

15. The Tribunal while computing the income of the deceased, in para -56, has considered the salary of the deceased in the month of December, 2019 which as per the pay certificate, which is on record, is Rs. 9,456/- gross. This has to be calculated for the purpose of computing the compensation in such cases, and that is what has been done by the Tribunal. In fact, there is no discrepancy in the statement of PW3 Shadab Khan and the certificate, which has been submitted by him.



16. Having considered, this Court is of the view that there is no reason to make any interference. Accordingly, the instant appeal deserves to be dismissed.

17. The appeal is dismissed.

(Ravindra Maithani, J.)

14.08.2026

Nahid