



2026:DHC:8735



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on: 25th September 2026.
Pronounced on: 05th October 2026.
Uploaded on: 06th October 2026.*

CNR No. DLHC010034232026
+ **MAC.APP. 97/2026 & CM APPL. 7109/2026**
THE ORIENTAL INSURANCE CO. LTD Appellant
Through: Mr. J.P.N. Shahi and Mr. Shekhar,
Adv.
versus

BABITA KUMARI AND ORS Respondents
Through: Mr. Ajay Kumar, Adv. for R-1.
Mr. Vishal Chhabra, Mr.
Balkrishan Sharma and Mr. Rohit
Tandon, Adv. for owner of the
vehicle.

CNR No. DLHC010107152026
+ **MAC.APP. 193/2026 & CM APPL. 17458/2026**
HARPREET SINGH Appellant
Through: Mr. Vishal Chhabra, Mr.
Balkrishan Sharma and Mr. Rohit
Tandon, Adv.
versus

BABITA KUMARI & ORS. Respondents
Through: Mr. Ajay Kumar, Adv. for R-1.
Mr. J.P.N. Shahi and Mr. Shekhar,
Adv. for Insurance Co.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL
JUDGMENT

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ANISH DAYAL, J.

1. These appeals have been filed assailing impugned award dated 17th October 2025, passed by the Motor Accident Claims Tribunal, Tis

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Hazari Courts, Delhi [hereinafter, '*MACT/Tribunal*'] in *MACT No. 528/22*, whereby compensation of Rs. 28,76,740/- along with interest at the rate of 9% per annum, was awarded in favour of the claimants, that is legal representatives of the deceased/*Naveen Kumar*. [hereinafter, '*impugned award*'].

2. *MAC.APP. 97/2026* has been filed by the Insurance Company challenging *MACT*'s conclusion whereby the liability to pay compensation has been fastened upon it, whereas *MAC.APP. 193/2026* has been filed by the owner, namely *Harpreet Singh*, assailing *recovery rights* granted to the Insurance Company against the owner/*Harpreet Singh*.

Proceedings before the MACT

3. The claim for compensation had been filed on behalf of *Naveen Kumar* [hereinafter, '*deceased*'], who lost his life in an accident which occurred on 30th November 2020, when he was driving the truck bearing registration No. *DL-IGC-4705* [hereinafter, '*truck no. 4705*'] and was unloading it at the railway station in *Delhi*. Since his truck failed to start due to a battery issue, another truck bearing registration No. *DL-IGC-6380* [hereinafter, '*truck no. 6380*'], driven by *Ram Hriday Mandal* was stopped, and an attempt was made to push the truck driven by deceased. It was stated that, while the deceased was standing between the two trucks, *Ram Hriday Mandal*/driver of *truck no. 6380* suddenly drove his truck in a rash and negligent manner, because of which, deceased/*Naveen Kumar* was crushed between the two trucks and died on spot.



4. However, the MACT, *vide* impugned award dated 17th October 2025, and upon assessment of the evidence, rejected the evidence of **PW-2/Shiv Kumar** [*alleged eyewitness*], and instead accepted the witness account of *Ram Hriday Mandal*, along with the conclusion drawn by the Investigating Officer [**IO**] in the chargesheet, as satisfactory.

5. Accordingly, the events, as would have transpired, have been narrated by the MACT in *paragraph 12* of the impugned award, which essentially records that the deceased was lying on a *tirpal* spread over *truck no. 4705*, when he fell down on the road and sustained fatal injuries. *Ram Hriday Mandal* [*driver of vehicle no. 6380*], who was also a driver in the same company, and was driving behind *truck no. 4705*, saw the same. The MACT attributed negligence to the owner/*Harpreet Singh* on account of his failure to provide safety gear to the deceased, and awarded the compensation accordingly. On this basis, liability to pay compensation was placed upon the Insurance Company, with *recovery rights* against owner/*Harpreet Singh*.

6. Three different sets of arguments have been presented before the Court by counsels for the Insurance Company, the owner and the claimants respectively, which are narrated as under:

Submissions on behalf of the Insurance Company

7. *Mr. J.P.N. Shahi*, counsel for Insurance Company, submitted that, even if the findings rendered by the MACT are to be sustained, *the Oriental Insurance Company* cannot be roped in since negligence attributed by the MACT to owner/*Harpreet Singh*, on account of failure to provide safety gear, would not fall within the purview of a claim under Sections 140 or 166 of the Motor Vehicles Act, 1988 [**‘MV Act’**].



He submitted that, at best, the compensation on such a basis could have been claimed under Section 163A of the MV Act or under the Workmen's Compensation Act, 1923.

Submissions on behalf of the owner/Harpreet Singh

8. *Mr. Balkrishan Sharma*, counsel for owner/*Harpreet Singh*, submitted that the finding rendered by the MACT was entirely untenable and incorrect, in view of the fact that the goods/cargo had already been unloaded from *truck no. 4705* at the time of the accident and, therefore, the question of laying a *tirpal* over it would not arise. Accordingly, in these circumstances, the owner/*Harpreet Owner* could not have been held liable for not providing safety gear to the deceased.

9. *Mr. Sharma*, counsel for owner/*Harpreet Singh*, further drew the attention of this Court to the FSL report, which clearly recorded that the deceased was under the influence of alcohol at the time of the accident, with an alcohol level of *8.19 mg per ml*. On this basis, he argued that the accident had occurred due to sole negligence on part of the deceased himself.

10. With respect to the version that the deceased had slipped from the *tirpal*, *Mr. Sharma*, counsel for the owner, submitted that the owner/*Harpreet Singh* had no occasion to lead evidence in relation to the said version, since the issue framed before the MACT was confined to the negligence of driver of *truck no. 6380/Ram Hriday Mandal*.

Submissions on behalf of the claimants

11. *Mr. Ajay Kumar*, counsel for claimants, countered the arguments made on behalf of the Insurance Company and owner/*Harpreet Singh* and submitted that the medical report prepared by *St. Stephen's Hospital*,



where deceased was taken by *Ram Hriday Mandal*, recorded that injuries of the deceased had been sustained on account of being crushed between the two trucks, which, according to him is sufficient to establish that the accident had been caused by *truck no. 6380*, which was being driven by *Ram Hriday Mandal*.

12. *Mr. Ajay Kumar*, counsel for claimants, thereafter pointed out that, the FIR had not been initially registered, and was registered after *one year*, pursuant to a complaint filed by the legal representatives of deceased under Section 156(3) of the Criminal Procedure Code, 1973 [*CrPC*]. The Metropolitan Magistrate had, in fact, also directed a departmental inquiry against the concerned IO for not registering the FIR. Further, when the IO was summoned by the MACT during the proceedings, he produced a chargesheet which set out a completely different story of deceased having fallen from the vehicle, which was clearly in collusion with the owner/*Harpreet Singh*.

13. *Mr. Kumar*, counsel for claimants, further placed reliance upon the post-mortem report, which according to him, bears out that the injuries sustained by the deceased were caused by him being crushed between the two trucks/vehicles.

Analysis

14. At the very outset, the Court takes note of the fact that *Mr. J.P.N. Shahi*, counsel for Insurance Company, had subsequently submitted before this Court that *truck no. 4705* had also been insured with *the Oriental Insurance Company Ltd.*; however, the liability to pay compensation ought not to have been fastened upon on it, since the MACT had merely concluded the injuries sustained by the deceased



resulted from the failure on part of the owner/*Harpreet Singh* to provide safety gear.

15. As regards the insurance liability in respect of *truck no. 6380*, Mr. *J.P.N. Shahi*, counsel for Insurance Company, submitted that the MACT had clearly not returned any finding of negligence against *Ram Hriday Mandal*, i.e. driver of *truck no. 6380* and, therefore, if the finding of the MACT is sustained, the question to pay compensation does not arise.

16. The version of accident put forward by the claimants, in their original claim, suggested that deceased, who was the driver of *truck no. 4705*, unloaded the plastic *dana* at *Platform No. 10, Kishanganj, Railway Station*. Thereafter, since there was some issue with the battery of said vehicle, another truck [*vehicle no. 6380*], which also owned by *Harpreet Singh*, and was being driven by *Ram Hriday Mandal*, was required to push *truck no. 4705* to start it. *Ram Hriday Mandal* drove *truck no. 6380* in a rash and negligent manner, resulting in deceased being crushed between both the vehicles/trucks. Deceased was thereafter brought to *St. Stephen's Hospital* by *Ram Hriday Mandal* himself, where the doctors declared him 'brought dead'.

17. Wife of deceased was informed, and *FIR No. 332/2021* was registered under Sections 279 and 304A of the Indian Penal Code, 1860 [*IPC*]. Written statements were filed by the driver of *truck no. 6380/Ram Hriday Mandal*, owner/*Harpreet Singh*, as well as the Insurance Company.

18. Initially, the following issue was framed by the MACT on 28th October 2024:

"Whether the deceased Sh. Naveen Kumar suffered fatal injuries in an accident that took place on



30.11.2020 at about 07.00 PM involving vehicle bearing registration No. DL-IGC-6380 on account of negligence on the part of the registered owner of the vehicle in question and insured with the Respondent no. 3? OPP. OPP."

19. However, subsequently, while rendering its findings, the MACT chose to reframe the said issue as under:

Whether the deceased Sh. Naveen Kumar suffered fatal injuries in an accident that took place on 30.11.2020 at about 07.00 PM, wherein the deceased Sh. Naveen Kumar fell from the Tirpal, which was spread over DL-IGC-4705?

20. **PW-2/Shiv Kumar**, the alleged eyewitness, was yet another truck driver, who deposed during his examination that he had received a call from the deceased saying that his vehicle was not starting and had to be repaired. Thereafter, when he reached the spot of the accident, he found out from other people that the deceased had gotten crushed between vehicles. **PW-2/Shiv Kumar** further deposed that he had accompanied *Ram Hriday Mandal* to *St. Stephen's Hospital*, and denied the suggestion that *Ram Hriday Mandal* was not responsible for the accident. Therefore, in the opinion of this Court, even if the testimony of **PW-2/Shiv Kumar** amounts to hearsay evidence, the same can still be considered while assessing the case on the touchstone of '*preponderance of probabilities*', particularly when the testimony of **PW-2/Shiv Kumar** is corroborated to the extent that, when he reached the spot of the accident, he was informed that the deceased had been crushed. He thereafter went to the hospital, where he joined *Ram Hriday Mandal*, which lends support to his assertion that *Ram Hriday Mandal*, was responsible for the accident.



21. The MACT, however, rejected the claim in its entirety, concluding that the testimony of **PW-2/Shiv Kumar** was not credible. The MACT was instead swayed by the chargesheet and the statement of the IO, who stated that the deceased had died as a result of falling on the road while placing the *tirpal*.

22. In the opinion of the Court, the MACT has seriously misjudged in summarily dismissing the testimony of **PW-2/Shiv Kumar**, and instead relying upon investigation report in the chargesheet, which cannot be corroborated by other circumstantial evidence, as discussed hereunder.

23. It is also pertinent to note that *Ram Hriday Mandal* has not made any statement in his written statement to assert that the deceased had fallen down from the *tirpal* while driving *truck no. 4705*. He only states that the deceased was driving *truck no. 4705* in a rash and negligent manner, which does not fit in with any other testimony.

24. The written statement, filed by the owner/*Harpreet Singh*, echoed the version of the accident put forward by *Ram Hriday Mandal* in that the accident occurred because the deceased was driving *truck no. 4705* in a rash and negligent manner. Therefore, not even a whisper has been made in the written statements filed by owner/*Harpreet Singh* or *Ram Hriday Mandal* regarding the deceased having fallen from the *tirpal* while fixing/tying it on *truck no. 4705*. In these circumstances, when neither owner/*Harpreet Singh* nor *Ram Hriday Mandal*, while giving their written statements, had taken the stand that the deceased had fallen down while fixing/tying the *tirpal*, it is quite inexplicable that the Investigating Agency arrived at such a conclusion.



25. The chargesheet was filed on 14th September 2024, subsequent to the written statements having been filed by both owner/*Harpreet Singh* and driver/*Ram Hriday Mandal* on 03rd February 2023.

26. Therefore, it would seem that the story put forth, before the Investigating Agency was tweaked, twisted and contorted in order to present a completely different version and wriggle out of issues of negligence and prosecution.

27. The MACT, relied upon the chargesheet as well as the statement of *Ram Hriday Mandal*, furnished under Section 161 of the Criminal Procedure Code, 1973, wherein he stated that he was standing behind *truck no. 4705*, when the deceased climbed on to it to tie the *tirpal* on the side, whereafter he slipped and fell onto the road, sustaining injuries.

28. The MACT further relied upon the statement of the owner/*Harpreet Singh*, recorded under Section 161 of the Cr.P.C., who also stated that deceased/*Naveen Kumar* had unloaded the truck at *Kishanganj, Railway Station* and that, at the time, *Ram Hriday Mandal* had told him that deceased had slipped while fixing the *tirpal*.

29. Thus, the chargesheet and the aforesaid statements essentially contained the same version, that the deceased had slipped and fallen while fixing/tying the *tirpal*. The chargesheet further noted that, since no safety equipment had been provided, a *challan* was filed against owner/*Harpreet Singh*, under Sections 287 and 304A of the IPC.

30. As against these, MACT appears to have overlooked the following medical documents, which would have established that the deceased had, in fact, been crushed between the two trucks/vehicles: ***firstly***, the MLC, issued by *St. Stephen's Hospital*, noted that the accident had occurred at



07:50 p.m. near *Kishanganj, Delhi* and that the person who had accompanied the deceased was *Ram Hriday Mandal*. The MLC further recorded a history of being “*hit by truck*” and noted that the patient had come in between two trucks; ***secondly***, the *post-mortem* report dated 01st December 2020, recorded that, death of deceased/*Naveen Kumar* had occurred on account of a haemorrhagic shock, consequent to an injury to chest. All the injuries were *ante-mortem* in nature, caused by blunt force/surface impact. The left collar bone had been fractured with effusion of blood in the surrounding tissue area; multiple ribs had been fractured at multiple sites; and more significantly, both *pleurae* and *pleural cavity* had been torn at places and both cavities contained 1500cc of fluid and clotted blood.

31. Accordingly, in view of the aforesaid, contention of the claimant that these medical documents were indicative of crush injuries rather than injuries sustained on account of a fall from the side of a truck is, in the opinion of this Court, persuasive.

32. There is no dispute as regards the fact that *truck no. 4705* had already been unloaded at *Kishanganj Railway Station*, since the same has been admitted, both by *Ram Hriday Mandal*/driver of *truck no. 6380* as well as owner/*Harpreet Singh*. Therefore, if *truck no. 4705* had already been unloaded, there was no reason for the deceased/*Naveen Kumar*, in any event, to have climbed onto *truck no. 4705* to fix/tie the *tirpal*. Further, the owner/*Harpreet Singh*, in his written statement, does not state clearly as to how the accident occurred and merely states that it was due to sole negligence on part of the deceased; however, if such information that, he had fallen down from *truck no. 4705* while fixing



the *tirpal*, was indeed available at the time, a specific categorical defence would have certainly been taken in the written statement.

33. In these facts and circumstances, the whole story appears to be concocted, which the MACT has, nevertheless, chosen to believe. There is, in fact, no discussion by the MACT on these aspects, since the issue originally framed was amended by the MACT, and only an issue of involvement was taken into account rather than that of negligence, whereas, all the parties, including Insurance Company, claimants and the owner/*Harpreet Singh* had tendered evidence in relation to the claimants' allegation that the accident had occurred due to the negligence of *Ram Hriday Mandal*/driver of *vehicle no. 6380*.

34. The delay in registering the FIR by the police, which was ultimately registered only pursuant to an order under Section 156(3) Cr.P.C., and then presenting a completely tangential version of the incident, smacks of collusion and impropriety.

Conclusion

35. Considering the aforesaid, and on the touchstone of '*preponderance of probabilities*', the Court is convinced that the accident had occurred due to rash and negligent driving of *vehicle no. 6380* by *Ram Hriday Mandal*, when he and the deceased were attempting to push *truck no. 4705*, resulting in the deceased being crushed between the two vehicles. The accident, therefore, does not appear to have occurred due to the deceased having fallen while fixing the *tirpal* on *vehicle no. 4705*, since the said version, on the basis of which the IO concluded the chargesheet, is not borne out from the basic facts, as discussed above.



36. Accordingly, *Ram Hriday Mandal*/driver of *truck no. 4705* and owner/*Harpreet Singh* shall be considered liable for the said accident. However, considering that *truck no. 6380* was insured with the Insurance Company, as admitted by the Insurance Company in *paragraph 16* of its written statement, the liability to pay compensation shall fall upon the Insurance Company.

37. Insofar as the *recovery rights* granted by the MACT against the owner/*Harpreet Singh* are concerned, the same shall accordingly stand set aside, since the negligence has now been attributed to the driver of *truck no. 6380/Ram Hriday Mandal*. Further, no defence relating to breach of the terms of the insurance policy has been taken by the Insurance Company, and therefore, *recovery rights* granted in favour of the Insurance Company against the owner/*Harpreet Singh* cannot be sustained.

38. The conclusion drawn by the MACT, in fastening liability upon the Insurance Company, though basis a different finding, relating to safety gear not being provided by the owner/*Harpreet Singh*, is not correct. However, considering that the aspect and quantum of compensation has been assessed in detail, and that there is no dispute in that regard, the same is retained.

39. Accordingly, the impugned award stands confirmed to the extent of the compensation awarded by the MACT. As regards the issue of negligence, the Court has already rendered its reasoning and conclusion that the fatal injuries sustained by the deceased/*Naveen Kumar* on 30th November 2020, were caused due to the rash and negligent driving of vehicle bearing registration no. ***DL-1GC-6380***, which was being driven



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by *Ram Hriday Mandal*, was owned by *Harpreet Singh*, and was insured by *Oriental Insurance Co. Ltd.*

40. The awarded compensation shall accordingly be released in favour of the claimants as per the directions passed by the MACT *vide* impugned award.

41. Accordingly, the appeals are disposed of.

42. Pending applications, if any, are rendered infructuous.

43. Judgement be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

OCTOBER 05, 2026/MK/ya

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