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* IN THE HIGH COURT OF DELHI AT NEW DELHI

CNR No. DLHC010521252019

+ MAC.APP. 85/2020

MAYA DEVI & ORS

.....Appellants

Through: Ms. Aruna Mehta and Mr. Lakshay
Mehta, Advocates.

versus

JIVRAJ BAIRWA & ANR (UNITED INDIA INSURANCE CO
LTD)

.....Respondents

Through: Mr. Ravi Sabharwal, Advocate for
Respondent No. 2/Insurance
Company.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

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24.08.2026

1. This appeal has been filed by appellants/claimants challenging the dismissal of claim petition by the Motor Accidents Claims Tribunal [*MACT*], Tis Hazari Court, New Delhi, by impugned order dated 12th September 2019 in *MACT No. 990/2018*.

2. The accident occurred on 14th October 2018, when late *Kuldeep Pawar* [hereinafter, '*deceased*'] along with his family was travelling in a *Maruti Zen* car, being driven by him. The car was involved in an accident near *Shahjahanpur*, Rajasthan, just before the toll plaza with a truck bearing no. RJ-14GE-8584 [hereinafter, '*offending vehicle*']. The deceased suffered



grievous injuries and as per his family members *i.e.* his wife and other occupants, he was first taken to Soni Devi hospital at *Neemrana*, Rajasthan, where he received primary treatment. Thereafter, he was shifted to Government Hospital, *Kotputli*, and subsequently, referred to a '*higher centre*' and was taken to Ram Manohar Lohia Hospital, Delhi [***RML Hospital***].

3. The Medico-Legal Certificate [***MLC***] prepared at Ram Manohar Lohia Hospital, Delhi has been shown to the Court by *Ms. Aruna Mehta*, counsel for appellants/claimants, which notes that there was history of a road traffic accident, which occurred on 14th October 2018 at 08:30 a.m.

4. The deceased passed away on 22nd October 2018 and as per the *post-mortem* report, the cause of death was due to *septicaemia* and complications as a result of injuries sustained over abdominal region, consequent upon blunt surface impact to the region.

5. On this basis, *Ms. Aruna Mehta*, counsel for appellants/claimants, contends that the fact that death had been caused due to the accident cannot be countered in any manner whatsoever.

6. As regards the dismissal of claim petition due to delay in registration of FIR, she contends that the statement of *Smt. Maya Devi* [wife of deceased] had been taken on the same day and a Daily Diary [***DD***] entry was also registered on the same day. The delay in registration of FIR could have been due to emergency medical treatment, which was being provided to the deceased and other injured family members.



7. *Ms. Mehta*, counsel for appellants/claimants, further contends that the driver of offending vehicle has been charge-sheeted and has placed reliance upon the decision of Supreme Court in *Ranjeet v. Abdul Kayam Neb*, 2025 SCC OnLine SC 497, for this purpose.

8. Additionally, *Ms. Mehta*, counsel for appellants/claimants, contends that the driver/owner of the vehicle has not challenged the chargesheet before any higher authority. Further, in the reply to the notice under Section 133 of the Motor Vehicles Act, 1988 [*MV Act*], driver/owner of the vehicle admitted that an accident, with a *Maruti Zen* car, had taken place near the Toll at *Shahjahanpur, Rajasthan*.

9. The driver/owner further stated in his testimony that the accident had occurred due to rash and negligent driving of the deceased, and that the driver of the *Maruti Zen* car had slept while driving, as a result of which said driver ramped into his vehicle from the back side.

10. The Court fails to understand as to how the driver/owner of the offending vehicle could have given evidence to the effect that that the driver of *Maruti Zen* car/deceased had slept while driving. The said evidence is *ex-facie* illogical and clearly a shot-in-the-dark by driver/owner of the offending vehicle.

11. Moreover, having seen the annotation made by driver/owner of the offending vehicle, in the reply to the notice under Section 133 of MV Act, it is quite clear that the accident had indeed taken place. Moreover, no protest has been made to the chargesheet, by the driver/owner of the offending vehicle. It is also noted that the driver/owner of the offending vehicle had



fled from the spot after the accident, and was later arrested on 29th October 2018, as is stated in the chargesheet.

12. The testimonies of both the occupants of *Maruti Zen* car, i.e. *Maya Devi* [wife of the deceased/PW1] and *Saroj Bai* [PW2], have also been consistent, in that, they were approaching the *Shahjahanpur* Toll and that the deceased was driving the car. When they were about *500 metres* away from the *Shahjahanpur* Toll, the truck hit their car from the right-hand side with great impact, thus, damaging the driver side of the car. After hitting the car, the driver tried to flee from the spot of the accident; but upon seeing the gates of the Toll Plaza closed, he reversed the truck and crashed into the car yet again. The photographs placed on record show the frontal collision, with the car having been completely crushed under the truck, and damaged from the front side.

13. The attention of the Court has also been drawn to the Mechanical Inspection Report, which states that the right side of the car, including the driver's door had been damaged, with the latter having been found broken. Basis the aforesaid, the Court is unable to agree with the MACT's inference that the accident had not occurred due to negligence of the driver/owner of the offending vehicle, even by the standard of '*preponderance of probabilities*'. Said inference does not seem to be borne out from the material available on record. Certain aspects appear to have influenced the decision rendered by MACT, which are required to be dealt with.

14. The delay in filing the FIR may not be relevant, considering that it was a fatal accident, and that the FIR was ultimately registered after 13 *days*.



Moreover, the DD entry was registered on the same day and the statement of *Maya Devi*/wife of the deceased was also recorded on the same day.

15. The observation of the MACT regarding the MLC, may also not be relevant, since it is the consistent case of appellant/claimants that the deceased was first taken to the hospital at *Neemrana*, Rajasthan, from where he was referred to the Civil Hospital at *Kotputli*. The record of *Kotputli* Hospital further shows that they were advised to take the deceased to a bigger hospital/*higher center*. The wife of the deceased, therefore, decided to take him to the RML Hospital.

16. The MLC prepared by RML Hospital records that the deceased had come with history of a road traffic accident on 14th October 2018 at 08:30 a.m., and had initially been taken to *Kotputli* for primary treatment. After the said injuries, the deceased passed away after about a week.

17. The *post-mortem* report of the deceased records that the death of the deceased was due to ‘*septicaemia*’ and its complications, as a result of the injuries sustained over abdominal region, consequent upon blunt surface impact to abdominal region. The *post-mortem* report also states that “*all injuries defined are ante mortem in origin and could be possible in circumstances as alleged*”. Therefore, the issue of death having been caused by the injuries sustained in the accident cannot be questioned.

18. Moreover, it is axiomatic that the appropriate standard of proof in such cases is the ‘*preponderance of probabilities*’. Counsel for appellant/claimants has, in this regard, placed reliance upon the decision of the Supreme Court in *Sunita v. Rajasthan SRTC*, (2020) 13 SCC 468, and



Mangla Ram v. Oriental Insurance Co. Ltd, (2018) 5 SCC 656, wherein the Court has held that a hyper-technical and trivial approach cannot be adopted in cases concerning compensation under the MV Act, and that the negligence in such cases has to be determined on the touchstone of ‘*preponderance of probabilities*’.

19. Furthermore, in the opinion of this Court, counsel for appellant/claimants has drawn the attention of this Court to sufficient material on record, including the FIR, chargesheet, photographs, Mechanical Inspection Report and conduct of the driver/owner, which together establish that the accident was caused due to the negligence of the driver/owner of the offending vehicle.

20. In these circumstances, reliance placed by counsel for appellant/claimant, upon the decision of the Supreme Court in ***Ranjeet v. Abdul Kayam Neb***, 2025 SCC OnLine SC 497, is also correct.

21. Accordingly, appeal is allowed. The matter is remanded back to the MACT for calculation of the compensation. Any assertion of contributory negligence also stands addressed by the assessment made hereinabove, and accordingly, cannot be sustained.

22. Matter be listed before the MACT on 16th September 2026.

23. The parties shall be entitled to place their evidence relating to the calculation of compensation before the MACT. The Insurance Company shall be entitled to rebut the evidence so placed, as also to place such further evidence as may be required.



24. Considering that the case pertains to an accident which occurred in 2018, and that no compensation has been granted, the MACT may decide the matter within a period of *four months*.
25. Appeal stands disposed of in above terms.
26. Pending applications, if any, are rendered infructuous.
27. Order be uploaded on the website of this Court.

ANISH DAYAL, J

AUGUST 24, 2026/ak/ya