



2026:AHC:190459

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2191 of 2014

Reliance General Insurance Co. Ltd.

.....Appellant(s)

Versus

Smt. Neeraj Devi And 8 Ors.

.....Respondent(s)

Counsel for Appellant(s)	:	Rahul Sahai
Counsel for Respondent(s)	:	Bansh Narain Pathak

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. Heard Shri Aditya Singh Parihar holding brief of Shri Rahul Sahai, learned counsel for the appellant-Insurance Company and Shri Bansh Narain Pathak, learned counsel for the respondent no.1 and 4.

2. In view of the office report, service of notice upon the remaining respondents is held sufficient.

3. This appeal has been filed on behalf of the appellant-Insurance Company with a prayer to set aside the impugned judgment and decree dated 3.5.2014 passed by Motor Accident Claims Tribunal, Bulandshahr in M.A.C.P. No.361 of 2011 (Smt. Neeraj Dev & Ors. vs. Mohd. Mustafa & Ors.) whereby the claim petition was allowed and an amount of Rs.24,62,102/- has been awarded as compensation to the claimant.

Brief facts

4. Briefly stated, the case of the claimants is that on 30.12.2009 at about 7:00 p.m., deceased Satendra Pal Singh, along with Santram, was returning from Bulandshahr to village Gangroul on Hero Honda Splendor motorcycle No. UP-13S-5063. Near Chola Power Station on Bulandshahr-Kakod Road, tractor No. UP-14E-8307, coming from the side of Kakod, was being driven rashly and negligently and suddenly came on the wrong side of the road and collided with the motorcycle. The deceased sustained serious injuries and, during treatment, died on 02.03.2011. The FIR was lodged on 31.12.2009 at Police Station Kotwali Dehat in Crime No. 193/891/09 under Sections 279 and 338 IPC.

5. Before the Tribunal, four witnesses were examined on behalf of the petitioners. P.W.-2 Santram and P.W.-3 Bablu were examined as eye-witnesses of the accident. P.W.-4 Dr. Sukumar Yadav was examined as the doctor who had treated the deceased at his Nursing Home, namely Gyan Shri Hospital, District Aligarh. The Tribunal considered the testimony of the eye-witnesses and, after examining the evidence available on record, held that the accident in question was proved. The Tribunal further held the claimants entitled to compensation and awarded a sum of Rs.24,62,102/- along with interest at the rate of 7% per annum.

Arguments by the appellant

6. Learned counsel for the appellant-Insurance Company has assailed the award mainly on the ground that the involvement of the alleged offending vehicle and the cause of death of the deceased were not established. It is submitted that the FIR was initially lodged against an unknown vehicle and no post-mortem of the deceased was conducted.

7. It is further submitted that P.W.-1 Smt. Niraj Devi, widow of the deceased, stated that after the accident, the deceased was initially taken to Government Hospital, Bulandshahr, from where he was referred and admitted at Safdarjung Hospital, Delhi on 31.12.2009. Thereafter, he was admitted at Krishna Hospital and Trauma Centre, Ghaziabad, where he underwent surgery and remained admitted from 31.12.2009 to 25.01.2010. He was thereafter admitted at Muskan Hospital, Aligarh from 02.11.2010 to 20.02.2011 and again at Gyan Shri Hospital, Aligarh from 23.02.2011 to 01.03.2011. It is, therefore, submitted that the deceased did not remain continuously under treatment after the accident and died after about fourteen months. Thus, the possibility that his death was due to some cause other than the injuries sustained in the accident cannot be ruled out.

8. It is further submitted that the claimants pleaded that the deceased was working as a linesman at Power Substation, Kakod, under Pashchimanchal Vidyut Vitran Kendra, Uttar Pradesh, and produced his salary slip for February, 2011. The said salary slip was relied upon by the Tribunal for determining his monthly income at the time of the accident.

According to the appellant, if the deceased was drawing salary for February, 2011, the statement of P.W.-1 that he remained admitted at Muskan Hospital from 02.11.2010 to 20.02.2011 becomes doubtful. These circumstances, according to the appellant, create serious doubt regarding the continuity of treatment as well as the nexus between the injuries sustained in the accident and the eventual death of the deceased.

Arguments by the respondent-claimants

9. Learned counsel for the respondent-claimants has supported the impugned award and submitted that the Tribunal has rightly appreciated the evidence available on record. It is submitted that P.W.-1 Smt. Niraj Devi, widow of the deceased, had clearly stated that after the accident she ran from pillar to post for better treatment of her husband and, during the intervening period when he was not admitted in any hospital, he was regularly taken to different doctors on OPD basis. Therefore, merely because the deceased was not continuously admitted in a hospital, no inference can be drawn that he had recovered from the injuries or that his subsequent death was unrelated to the accident.

10. It is further submitted that the accident had taken place on 30.12.2009 and the deceased remained under treatment at different hospitals thereafter. He underwent surgery at Krishna Hospital and Trauma Centre, Ghaziabad and was subsequently treated at hospitals at Aligarh. He was again admitted at Gyan Shri Hospital shortly before his death. Thus, the medical evidence and the history of treatment establish continuity of the injuries and treatment till his death.

11. It is also submitted that the mere fact that the FIR was initially lodged against an unknown vehicle is of no consequence, particularly when the involvement of tractor No. UP-14E-8307 was subsequently established from the evidence led before the Tribunal. The testimony of P.W.-2 Santram, who was travelling with the deceased and was an eye-witness of the accident, duly proves the manner of accident and involvement of the offending tractor. His testimony was rightly relied upon by the Tribunal.

12. Learned counsel further submits that non-conducting of post-mortem, by itself, does not establish that the death was due to any cause other than

the injuries suffered in the accident. The deceased had remained under treatment for the injuries sustained in the accident and ultimately died during the course of such treatment. P.W.-4 Dr. Sukumar Yadav, who had treated the deceased at Gyan Shri Hospital, also supports the case of the claimants regarding his treatment.

13 It is lastly submitted that the salary slip for February, 2011 was produced only for the purpose of establishing the income of the deceased and the receipt of salary does not mean that he was physically fit or had discontinued his treatment. A person may remain on the rolls of his employer and receive salary even during a period of illness or treatment. Therefore, the said document cannot be treated as contradicting the statement of P.W.-1 regarding the treatment of the deceased.

14. On these grounds, it is submitted that the Tribunal has rightly held that the accident, involvement of the offending vehicle and the death of the deceased were proved and has rightly awarded compensation of Rs.24,62,102/- with interest at the rate of 7% per annum. The appeal, therefore, deserves to be dismissed.

Conclusion

15. The principal question which arises for consideration is whether the death of the deceased on 02.03.2011 can be connected with the injuries sustained by him in the accident dated 30.12.2009. P.W.-4 Dr. Sukumar Yadav stated that the deceased was brought to his hospital on 23.02.2011 in a serious condition in connection with the accidental injuries suffered about one and a half years earlier. He further stated that severe pus formation and symptoms of septicaemia were present in the right knee.

16. Thus, the accident had taken place on 30.12.2009, whereas the deceased was examined by P.W.-4 on 23.02.2011, after a gap of about fourteen months. The doctor found severe pus formation and septicaemia in the right knee. The injury, therefore, was on the knee and the condition of septicaemia was noticed after such a long interval from the date of accident.

17. Considering the statement of the doctor, the nature of the injury, the

considerable gap of about fourteen months between the accident and the treatment by P.W.-4, and the fact that septicaemia was found only at that stage, in my considered opinion, these circumstances by themselves do not establish a clear nexus between the injury sustained in the accident and the subsequent death of the deceased. P.W.-4 has not stated that the septicaemia was the result of the injury sustained in the accident or that the death of the deceased occurred on account of the said injury. There is also no post-mortem report or other medical evidence establishing such causal connection.

18. It is true that the deceased had undergone treatment at different hospitals after the accident. However, the mere fact that he was subsequently found suffering from pus formation and septicaemia in the right knee cannot, in the absence of specific medical evidence, establish that these conditions were the direct consequence of the injuries sustained in the accident fourteen months earlier.

19. Thus, the evidence of P.W.-4 establishes that the deceased was in a serious condition and was suffering from septicaemia when he was brought to the hospital on 23.02.2011, but it does not establish the necessary causal link between such condition and the accident dated 30.12.2009. The Tribunal, therefore, was not justified in treating the subsequent death of the deceased as conclusively proved to have resulted from the injuries sustained in the accident.

20. In view of the discussion made above, the finding of the Tribunal regarding the death of the deceased being the consequence of the accident cannot be sustained. However, it is established from the evidence on record that the deceased sustained injuries in the accident and incurred expenses for his treatment.

21. The Tribunal has awarded a sum of Rs.1,17,879/- towards medical expenses. There is no sufficient ground to interfere with the said part of the award. The claimants are, therefore, entitled to compensation of Rs.1,17,879/- towards medical expenses along with interest at the rate of 7% per annum, as awarded by the Tribunal.

22. Consequently, the remaining amount awarded by the Tribunal on

account of the death of the deceased cannot be sustained and is liable to be set aside. The impugned award is, accordingly, modified and the **compensation is reduced to Rs.1,17,879/-** along with interest at the rate of 7% per annum.

23. In view of the aforesaid, this appeal is **allowed** to the aforesaid extent.

(Anil Kumar-X,J.)

September 11, 2026
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