



2025:DHC:10847



\$~4

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Decided on: 02.12.2025

+

MAC.APP. 474/2025 & CM APPL. 46068/2025

RAJASTAN STATE ROAD TRANSPORT CORPORATION

.....Appellant

Through: Mr. B.S. Rajesh Agrajit and Mr.
Siddharth Goswami, Advocates

versus

AASIYA AND ORS

.....Respondents

Through: Mr. Yogesh Swaroop and Ms.
Shivangi Singh, Advocates for R-1 to
8/Claimants (VC)**CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J. (ORAL)**

1. The appellant, the registered owner of a bus bearing Registration No. RJ-10PA-5013, which was being driven by respondent No.9, has preferred the present appeal against the award dated 21.02.2025 passed by the Motor Accident Claims Tribunal ["the Tribunal"] in MACP No. 118/2019. By the impugned award, the Tribunal awarded compensation of Rs. 31,46,460/-, together with interest at the rate of 7.5% per annum, in favour of the claimants [respondent Nos. 1 to 8 herein], in respect of the fatal motor accident resulting in the demise of one Mr. Shabbir.

2. As per the averments in the claim petition, on 16.04.2019 at about 7:10 a.m., the deceased, Mr. Shabbir, was riding a motorcycle bearing Registration No. DL-12SJ-8131, with one Mr. Mohd. Farid seated as the



pillion rider. It is the case of the claimants that while the motorcycle was proceeding near Abupur Gate, Muradnagar, Ghaziabad, Uttar Pradesh, it was struck from behind by the said bus. As a result of the impact, both Mr. Shabbir and the pillion rider were thrown onto the road and sustained injuries. Unfortunately, Mr. Shabbir succumbed to the injuries sustained in the accident.

3. Respondent Nos. 1 to 8 herein filed a claim petition before the Tribunal alleging that the accident occurred due to the rash and negligent driving of respondent No. 9. The Tribunal, after considering the evidence on record, accepted the claimants' case on the issue of negligence, and awarded compensation of Rs. 31,46,460/-, together with interest at 7.5% per annum.

4. I have heard Mr. Siddharth Goswami, learned counsel for the appellant and Mr. Yogesh Swaroop, learned counsel for respondents No. 1 to 8.

5. By order dated 21.08.2025, the Court recorded the following:

"9. Learned Counsel for the Appellant limits his challenge in the present Appeal to one ground. Learned Counsel submits that the deceased was not driving the motorcycle but was sitting as a pillion rider. Learned Counsel requests for some time to place on record his evidence in this behalf."

6. With respect to this aspect, evidence was led before the Tribunal by Mr. Mohd. Farid, the eye-witness, and by respondent No. 9, the driver of the bus. In his affidavit of evidence, Mr. Mohd. Farid deposed as follows:

"2. That on dated 16.04.2019, I was sitting pillion seat of motorcycle bearing no. DL-12-SJ-8131, which was being driven by deceased namely Shabbir at a normal speed and on my correct portion of the road with observing the traffic rules and going towards Mehrauli, New Delhi from his native village Meerut, U.P. At about 07:10 A.M. when we reached near Abupur Gate, Near Muradnagar, Ghaziabad, U.P. then all of a sudden the offending vehicle Rajasthan State Roadways Transport



Corporation bus bearing no. RJ-10-PA-5013, which was being driven by its driver/respondent no. 1 at a very high speed, rashly, negligently, without blowing any horn in contravention of the traffic rules came from behind and hit our motorcycle alongwith deceased and me with a great force. As its result of this forceful impact deceased alongwith his motorcycle fell down on the road and deceased crushed under front wheels of the offending vehicle/bus and deceased sustained received grievous fatal injuries on his body and immediately he was taken to Jeevan Hospital Modi Nagar, U.P. where the concerned doctor declared "Brought Dead"."

7. In his cross-examination by learned counsel for the Insurance Company, Mr. Mohd. Farid reiterated that the deceased was driving the motorcycle and that he was the pillion rider. He further explained that the bus struck the motorcycle from behind. He fell on the left side of the road, sustaining injuries to his legs and chest, while the deceased fell on the right side and came under the front left tyre of the bus. He further categorically denied the suggestion put to him, to the effect that he was driving the motorcycle and that the deceased was the pillion rider.

8. The affidavit of evidence of respondent No. 9, the driver of the bus, contradicted the testimony of Mr. Mohd. Farid [RW1/1]. He deposed that, Mr. Mohd. Farid was driving the motorcycle and that the deceased was the pillion rider. However, in his cross-examination as RW-1 by learned counsel for the appellants, he stated as follows:

"....It is correct that prior of the accident I did not know both the motorcyclists nor I know the whereabouts of the motorcyclists. It is further wrong to suggest that at the time of the accident Mohd. Farid was driving the motorcycle and deceased was a pillion rider.....It is correct that the vehicle/bus which I was driving is involved in the present matter/accident. It is wrong to suggest that at the time of the accident deceased was driving the motorcycle and Farid was the pillion rider...."¹

¹ Emphasis supplied.



9. The testimony of Mr. Mohd. Farid, that the deceased was driving the motorcycle thus remained consistent. As regards the evidence of respondent No. 9, he denied both suggestions – that Mr. Mohd. Farid was driving, and that the deceased was driving. In view of this inconsistent testimony, there is no reason to disbelieve the clear and consistent evidence of the eyewitness, Mr. Mohd. Farid, who stated that he was the pillion rider and the deceased was driving.

10. Although the order dated 21.08.2025 recorded that the challenge was limited to this ground, Mr. Goswami also contests the Tribunal's finding on the issue of negligence. In this regard, the evidence of Mr. Mohd. Farid, particularly paragraph 2 of his affidavit [as extracted above in paragraph 6], was tested in cross-examination, during which he denied the suggestion that a truck was crossing the road, causing the motorcycle to brake suddenly, resulting in both riders falling off the motorcycle. He reiterated that the accident occurred solely due to the rash and negligent driving of respondent No. 9.

11. The affidavit of evidence of respondent No. 9 – driver, in this regard, was as follows:

“3. That the deponent submits that on 16-04-2019 at about 7:10 am when the said offending vehicle bearing no. RJ10PA5013 reached near Abipur Gate, Muradnagar (Ghaziabad) then all of a sudden, a truck was crossing road without any indication and hence the deponent being a driver of offending vehicle applied brakes and the driver of the motorcycle bearing no. DL12SJ813, who was overtaking our bus from the left side in very high speed and the driver of the motorcycle namely Md. Farid could not see the truck and reached near the truck, then suddenly he also applied brakes due to which the motorcycle slipped and fell down on the left side of the bus.”

12. In his cross-examination, the respondent No. 9 admitted that he was



facing criminal proceedings before the Court at Ghaziabad in connection with the accident, while denying the suggestion that no truck was crossing the road at the time.

13. The Tribunal has returned a finding of rash and negligent driving against respondent No. 9 based on the foregoing evidence, as well as on the fact that a chargesheet was filed against him in connection with the same accident – FIR No. 314/19, registered under Sections 279, 338, 427, and 304-A of the Indian Penal Code, 1860 at Police Station Muradnagar, Ghaziabad. The filing of a chargesheet in criminal proceedings is, for the purposes of MACT proceedings, presumptive evidence of rash and negligent driving on the part of the driver concerned. This principle has been consistently recognized in numerous judgments of the Supreme Court, and of this Court, several of which were relied upon by the Tribunal. Once a chargesheet is filed, the Tribunal may rely on it, as the standard of proof in the proceedings before the Tribunal is one of preponderance of probabilities, and not the criminal standard of proof “*beyond reasonable doubt*”². In the recent judgment of *Ranjeet v. Abdul Kayam Neb*³, it has been specifically held as follows:

“4. It is settled in law that once a charge sheet has been filed and the driver has been held negligent, no further evidence is required to prove that the bus was being negligently driven by the bus driver. Even if the eyewitnesses are not examined, that will not be fatal to prove the death of the deceased due to negligence of the bus driver.”

14. It is undisputed that a chargesheet was filed against respondent No. 9

² *Mathew Alexander v. Mohd. Shafi* [(2023) 13 SCC 510] [paragraph 12]; *Rajwati v. United India Insurance Co. Ltd.* [2022 SCC OnLine SC 1699] [paragraph 20]; *Dr AKB Sadbhavana Mission School of Homeo Pharmacy v. Ministry of Ayush* [(2021) 2 SCC 539] [Paragraph 21]; and *Bimla Devi v. Himachal RTC* [(2009) 13 SCC 530] [Paragraph 11]

³ 2025 SCC OnLine SC 497.



2025:DHC:10847



before the concerned Criminal Court. The chargesheet was also exhibited before the Tribunal as PW-1/13. In the absence of any compelling evidence to the contrary, I find no reason to take a view different from that of the Tribunal.

15. Since the present appeal is preferred solely on these grounds, and no other ground has been urged, the appeal is dismissed. The pending application also stands disposed of.

16. The statutory deposit, if any, be released to the appellant.

PRATEEK JALAN, J

DECEMBER 2, 2025

dy/SD/