



2025:DHC:10517



\$~5 (25.11.2025)

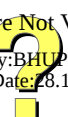
\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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***Decided on: 26.11.2025***+ **MAC.APP. 564/2025 & CM APPL. 55142/2025****UTTARAKHAND TRANSPORT CORPORATION .....Appellant****Through: Mr. Daleep Dhyani.****versus****MUKESH KUMAR PAL & ANR.****.....Respondents****Through: None.****CORAM:****HON'BLE MR. JUSTICE PRATEEK JALAN****PRATEEK JALAN, J. (ORAL)**

1. This appeal has been listed today, as 25.11.2025 was declared a holiday *vide* Notification No. 35/G-4/Genl.-I/DHC dated 24.11.2025.
2. The appellant – Uttarakhand Transport Corporation, which is the owner of a bus bearing registration No. UK-07-PA-1374, assails an award of the Motor Accident Claims Tribunal [“the Tribunal”] dated 28.05.2025 in MACT No. 71/2020. The Tribunal has awarded compensation of Rs.24,58,084/- alongwith interest at 7.5% per annum to respondent No. 1 – claimant, who was injured in an accident involving the said bus.
3. The facts of the case, as set out in the claim petition, are that the claimant was riding a motorcycle bearing registration No. DL-13-SN-0538, alongwith a pillion rider, on 10.07.2018. At about 06:00 p.m., at a location close to Chowki Patel Nager, District Ghaziabad, Uttar Pradesh, the motorcycle was hit by the said bus. The claimant suffered grievous injuries

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as a result, and was hospitalised three times – once for one night, once for about eleven days, and on the third occasion, he was discharged the same day. He filed the claim petition seeking compensation against the appellant and respondent No. 2 herein, who was the driver of the bus.

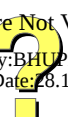
4. The driver was also charged in criminal proceedings arising out of FIR No. 1417/2018 dated 11.07.2018, lodged at P.S. Sihani Gate, District Ghaziabad, Uttar Pradesh. After investigation, a chargesheet was filed against him under Sections 279, 338, and 427 of the Indian Penal Code, 1860.

5. By the impugned judgment, the Tribunal noted that the appellant had denied the allegation of rash and negligent driving on the part of the driver. However, it returned a finding in favour of the claimant on this aspect, and assessed a total compensation under pecuniary and non-pecuniary heads at Rs.24,58,084/-.

6. The only submission of Mr. Daleep Dhyani, learned counsel for the appellant, is that the Tribunal has arrived at an erroneous finding on the question of negligence of the driver.

7. As far as this aspect is concerned, the evidence led before the Tribunal was only that of the claimant, who examined himself as PW-1. In his affidavit by way of evidence, he stated as follows:

*“2. I say that on 10.07.2018 at about 06:00 p.m., I alongwith my friend Sonu S/o Sh. Gyanender Singh was going towards Ghaziabad from Delhi by motorcycle No.DL-13SN-0538 (R1.5 Yamaha), which was being driven by me at a normal speed and on correct side of the road. When we reached in-front of Meerut Tiraha, Chowki-Patel Nagar, within the jurisdiction of PS: Sihani Gate, Distt.Ghaziabad, in the meanwhile an Uttarakhand Roadways Bus bearing registration No.UK-07PA-1374, which was being driven by its driver, at a very high speed, rashly, negligently, without taking necessary precaution, without proper lookout, violating the traffic rules, without blowing any horn came from*





**back side and hit my motorcycle with a great force.** As a result of this we fell down on the road along with motor cycle and I sustained grievous injuries i.e. **CRUSH INJURES LEFT LEG AND HEEL PAD INJURY** and other multiple injuries. I was immediately taken to Yashoda Hospital, Ghaziabad by my friend Sonu, where I hospitalized from 10.07.2018 to 11.07.2018 and thereafter I was taken to Max Super Speciality Hospital, W-3, Sector-1, Vaishali, Distt. Ghaziabad, where he hospitalized from 11.07.2018 to 22.07.2018, then thereafter I was taken to Krishna Hospital & Trauma Center, J-85, Patel Nagar-I, Ghaziabad, where I hospitalized from 30.09.2018 at 06:30 a.m. to 30.09.2018 at 6:15 p.m. Thereafter I took my treatment for a period of two and half year.

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10. **I say that the above said accident took place due to rash and negligent driving by the driver of Bus** bearing registration No.UK-07PA-1374 (Uttarakhand Roadway Bus) and an FIR bearing no.1417/2018, dated-11.07.2018, U/S- 279/338/427 IPC has been registered at PS-Sihani Gate, Distt. Ghaziabad. Had the Uttarakhand Roadway Bus driver been careful, cautious and vigilant enough this accident could have been very easily averted and the deponent would have been saved from sustaining such grievous injuries.”<sup>1</sup>

8. The claimant was cross-examined by learned counsel for Uttarakhand Transport Corporation as follows:

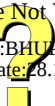
“It is correct I and Sonu was travel at the time of accident. I was going to meet my parents. **I was travelled by motor cycle. I was not talking at the time of travelling. When I reached at Meerut Traha Chawki, Patel Nagar, Ps. Sihani Gate, Ghaziabad just in turning point, the bus came from back side hit my motor cycle.** I sustained grievous injury left leg and hill pad injury etc. I was immediately taken yoshada hospital by sonu. Sonu also sustained simple injury at the time accident. It is correct I have received 75% permanent disability left lower limb and the disability certificate issued by medical board pandit madan mohan malviya hospital. Delhi. It is correct I have incurred expenses more than produce bill on record. It is wrong to suggest that you have not loss income after the accident. It is wrong to suggest that I am deposing falsely.”<sup>2</sup>

9. It is clear from the above that the claimant’s evidence with regard to negligence of the bus driver was not challenged in cross-examination, except to the limited extent of a suggestion that he was talking while driving the

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<sup>1</sup> Emphasis supplied.

<sup>2</sup> Emphasis supplied.





motorcycle. This suggestion was also denied by the claimant.

10. Neither the appellant herein nor the driver led any evidence before the Tribunal.

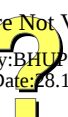
11. The documents placed on record before the Tribunal also include the chargesheet in the criminal proceedings<sup>3</sup>, which demonstrates that the police investigation came to the conclusion that negligence had been established as against the driver. In *Ranjeet & Anr. v. Abdul Kayam Neb & Anr.*<sup>4</sup>, the Supreme Court has categorically held that once a chargesheet has been filed, it is not necessary for the claimant to led any further evidence on the issue of negligence before the Tribunal. In any event, in the present case, there was no evidence before the Tribunal to hold to the contrary.

12. The only document referred to by Mr. Dhyani in support of the argument that the accident was caused by the negligence of the claimant himself, is a site plan, which has been annexed to the appeal as Annexure A3. The site plan shows that the bus and the motorcycle were travelling side by side, with the motorcycle on the left of the bus, and that the motorcycle was negotiating a right turn from the left-hand side of the bus when the accident occurred. The aforesaid site plan does not appear to have been part of the record before the Tribunal, and no application to lead additional evidence has been made before this Court. Further, the site plan is not entirely consistent with the site plan produced by the police, which forms part of the Trial Court record<sup>5</sup>. While that site plan also shows that both vehicles were travelling side by side, it indicates that the right turn was being negotiated by the bus, and not by the motorcycle.

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<sup>3</sup> Page 524 of the electronic record of the Tribunal, on the record of this appeal.

<sup>4</sup> 2025 SCC OnLine SC 497.





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13. In the aforesaid circumstances, I find no reason whatsoever to interfere with the finding of the Tribunal on the question of negligence.

14. No other point having been argued on behalf of the appellant, the appeal, alongwith pending application, is dismissed.

15. The statutory deposit of Rs. 25,000/- be refunded to the appellant.

**PRATEEK JALAN, J**

**NOVEMBER 26, 2025**

*'Bhupi/KA' /*

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<sup>5</sup> Page 538 of the electronic record of the Tribunal, on the record of this appeal.

