



2025:DHC:11100



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Decided on: 08.12.2025

+ **MAC.APP. 784/2025**

UNITED INDIA INSURANCE COMPANY LTDAppellant

Through: Mr. Manuj Aggarwal and Mr.
Kushagr Tyagi, Advocates.

versus

BADAL

.....Respondent

Through: Mr. Pankaj Gupta, Advocate.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

CM APPL. 77197/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

CM APPL. 77198/2025 (for condonation of delay in re-filing)

This is an application seeking condonation of delay in re-filing of the captioned appeal.

For the reasons stated in the application, the same is allowed, and the delay of 260 days in re-filing is condoned.

Accordingly, the application stands disposed of.

CM APPL. 77195/2025 (for condonation of delay in filing)

This is an application seeking condonation of delay in filing of the captioned appeal.

For the reasons stated in the application, and with the consent of Mr. Pankaj Gupta, learned counsel for the respondent, the same is allowed, and the delay in filing of the appeal is condoned.

Accordingly, the application stands disposed of.



MAC.APP. 784/2025 & CM APPL. 77196/2025 (for stay)

1. The present appeal is filed by the appellant – United India Insurance Company Limited [“Insurance Company”], against an award dated 04.10.2024, passed by the Motor Accident Claims Tribunal [“Tribunal”] in MACT Case No. 46/21 & 110/22.
2. By the impugned award, the Tribunal has awarded a sum of Rs.1,13,47,044/-, alongwith interest at the rate of 9% per annum, to the respondent – claimant, arising out of a road accident which took place on 16.02.2020.
3. The facts of the accident, as extracted in the impugned award, are that the claimant was standing at a bus stop in S Block, Mangolpuri, waiting for a bus going to the residence of his maternal uncle in Sultanpuri. A bus operated by Delhi Transport Corporation [“DTC”], bearing registration No. DL-1PC-8729 [“insured vehicle”], arrived at the bus stop, from which some passengers alighted. While the claimant was in the process of boarding the bus, with one foot on the footstep and the other foot on the road, he alleged that the bus driver suddenly drove the bus in a rash and negligent manner, resulting in the claimant falling onto the road. The rear wheel of the bus ran over both his legs, due to which he sustained grievous injuries.
4. The claimant was first taken to Sanjay Gandhi Memorial Hospital, Mangolpuri, Delhi, and was thereafter referred to Safdarjung Hospital. He was hospitalised from 17.02.2020 to 13.03.2020, and again from 19.11.2020 to 06.12.2020. It is undisputed that the claimant’s injuries have resulted in amputation of his left leg above the knee and the amputation of his right leg below the knee.



5. I have heard Mr. Manuj Aggarwal, learned counsel for the Insurance Company, and Mr. Pankaj Gupta, learned counsel for the claimant, who is present on advance notice.

6. The relevant records of the Tribunal, including the evidence of the witnesses, have also been annexed to the appeal.

7. Mr. Aggarwal urges two grounds in support of the appeal:

- a. That the Tribunal ought to have considered that the accident occurred as a result of the negligence of the claimant himself and, at the very least, ought to have reduced the compensation awarded on account of contributory negligence of the claimant.
- b. That the Tribunal has erred in awarding compensation to the claimant on the basis of minimum wages prevalent in Delhi, instead of minimum wages prevalent in the State of Uttar Pradesh.

8. With regard to the negligence/contributory negligence of the claimant, Mr. Aggarwal relies upon a discharge summary prepared at Safdarjung Hospital after the second hospitalisation of the claimant, when he was being discharged on 06.12.2020. In the history recorded in the said discharge summary, the doctor has recorded as follows:

“Pt. was apparently well before 16.02.2020 when suddenly he slipped off while stepping on a moving bus in Mangolpuri.....”

Mr. Aggarwal submits that this history, as recorded in the medical document, shows that the claimant himself was stepping on a moving bus at the time of the injury.

9. As against this recording in the discharge summary prepared in December 2020, the discharge summary prepared after the claimant's first hospitalisation in February 2020, does not record any such history.



Further, the contents of the FIR [FIR No. 97/2020, P.S. Raj Park, Delhi, registered under Sections 279 and 337 of the Indian Penal Code, 1860] recorded the day following the accident, i.e. 17.02.2020, records the statement of the claimant as follows:

10. Total value of property stolen (यदि चुराई वस्तुओं का कुल मूल्य):

11. Injured Report / U.D. Case No., if any (दुर्घटित व्यक्ति की रिपोर्ट / उ.ड. के मामले में, यदि कोई हो):

*FIR No. Contents (अच्छे कपड़े का छतरी, if registered) (आवश्यक होने पर भरें):

FIR no 97/2923 Stagnant Of Badal S/O Pappu Singh R/O गाँव अहमदाबाद शाना अहमदाबाद, बिना मुल्कनगर, I.P. Age-17 साल, 8867327319 पता दिया कि मैं गांव उत्तरोक या गणेशपुर रहता हूँ, जो मैं पिछले 7-8 महीने से अपने मामा अभिनव के पास H.NO-E-4/31, Sultanpur, Delhi पर रहे रहा हूँ। जो दिनांक 16/02/2020 को समय करीब 9:30 बजे रात को मैं S-block चौक मनोहरा रोड, दिल्ली चला होकर घर का ड्राइवर सुभाषचंद्र सिंह आने सामा के घर जाने के लिये गए रहा था, जो तभी सड़क पर सामन की DTC BUS NO-DL IPC 8729 Route NO-944 आयस रोज, जिससे मेरे सड़क चौक पर कुछ संघर्ष हुआ क्योंकि उन्होंने उससे कहा कि मैं पिछले दरवाजे से घूमने के लिये जैसे ही अपना बैग पाशपात्र पर रखा, समझ के साथ के Driver ने सब को गलतफहमी में लाकर बाहरी से अपमान करने दिया फिर कार्रवाई के बाद पाशपात्र के मिलान गया और मैं सीधे फिर गया इस के लिये दोनो Type मेरे दोनो पैरों के ऊपर के फुल गया जिससे मेरे दोनो पैरों में काफी चोट आई है। मुख्य Bus Driver के खिलाफ कानूनी कार्यवाही की जाए। अगर मैं मेरे मिताजी Papou Singh के सामने मेरा प्रमाण लिख, तुम मे प्रमाण लिया ठीक है। SD हिन्दी नम्बर सिग्नाडOR Badal S/o Pappu Singh Attested Si Manish PS RAJ PARK Date -17-02-2020 बीमान Duty Officer साहब दत्ता जयपाल नियेटन है कि प्रकार है कि आज दिनांक 17-02-2020 को मुझे DONG 6 B मिलने पर SI B CT Pawan Sarjag Hospital Hospital पहुँचे मैंने Memo no- 266/120 अर्थात् Badal S/O Arun R/234 SULTAN PUR इतिहास की को MLC पर DR साहब ने A/HO RTA Crash Injury में लेखा और OR दिया है जो Patient Badal Under Treatment किया जिसमें ज्यादा दर्द होने की वजह से अपना Statement बाद में देने को कहा इसलिए बाद में SI B CT Pawan धनाराम S Block Check Mangal Pur Delhi पहुँचा जहाँ पर एक लाल की Low Floor DTC BUS NO DLIP 8729 Route NO-944 रुकी थी जिसने Seizure Memo के द्वारा सड़क के तीर पर पड़ा दुर्घटना दे लिया गया जो घटनास्थल के बाद मैं व CT Pawan दोनों S.G.M Hospital पहुँचे और व Patient का LNJP Hospital Refer होता साहब दाता जहाँ इसके बाद मैं SI व CT Pawan LNJP Hospital पहुँचे जहाँ पर Patient का Sejarjung Hospital पहुँचे जहाँ पर MLC के ऑफिसर US 279/3377 IPC को बुलाया गया था। जो एक्साईज नीर दर्द करने के लिए Duty Officer को दिया गया FIR स्विट्स करने सब FIR को सुनिश्चित किया जाए। घटनास्थल की तारीख व समय -16-02-2020 AT About 9:30 pm घटनास्थल का पता -B Block Mangal Pur Delhi स्थिति देने की तारीख व समय -17-02-2020 AT 8D ENGLISH SA MANISH PS RAJ PARK DATE 17-02-2020 पुलिस कार्यालयी अब माता - भिक्षित डिजाइनर देह करने पर FIR No- 97/20 US 279/3377 IPC PS- Raj Park C/TMS Operator W/ CT Mukesh NO-274/OD द्वारा Registered Computer केसाथ Original लेख हिन्दी व Computerized FIR Copy SI Manish साहब के हस्ताक्षर की गई, जो उपरोक्त कार्यवाही की। हस्ता SHO साहब को यत्नाष्ट गये। सम्प्रति Document Through Desk Senior Officer को प्रेषित किया जा रहा। Submitted By ASUDO

G.Action Taken Since the above information reveals commission of offence(s) as mentioned in Item No. 2:

(I) यदि कोई आरोप है, पुलिस अधिकारी को बताया जाता है कि क्या यह आरोप सत्य है, यदि नहीं तो क्यों नहीं? (If any case is reported, police officer will inform whether it is true or not, if not why not?)

(II) Registered the case and took up the investigation: (असार में दिए जानकारी को लेकर निवारण शुरू करें)

(III) Checked Status of the LC (आवश्यक होने पर भरें):

Name: 1910004 Date taken up for investigation (को सारांश में दर्ज करने के लिए निर्देश दिए गए हैं) OR (यदि कोई कारण बताएँ कि नहीं)

(IV) Released Investigation due to (कारण के लिए):

Date Transferred to F.B.I./N.C. (यदि):

on point of completion (को पूर्णतः पूरा करने के लिए निर्देश दिए गए हैं) OR (यदि कोई कारण बताएँ कि नहीं)

10. It is evident from the above that in his statement to the police authorities immediately after the accident, the claimant mentioned that he



was waiting for the bus; upon arrival of the bus, some passengers alighted; and thereafter, he attempted to board from the rear side door. However, when he had placed his foot on the footrest, the bus driver suddenly drove the bus, as a result of which his foot slipped off the footrest and he fell.

11. It is undisputed that, following the aforesaid FIR, criminal proceedings were instituted against the driver of the insured vehicle, and a chargesheet was filed before the concerned Criminal Court.

12. The claim petition filed by the claimant also contains the same narrative of the incident, as does the affidavit of evidence filed by the claimant, who gave evidence as PW-1. In his cross-examination by learned counsel for the Insurance Company, the claimant denied the suggestion that he was trying to board a moving bus when the accident occurred, or that the accident occurred due to his own negligence.

13. The impugned award records that no evidence was produced on behalf of the Insurance Company.

14. In light of this evidence, I am of the view that the Tribunal has not committed any error in holding the Insurance Company liable, without a finding of negligence/contributory negligence on the part of the claimant. The claimant's original statement to the police authorities resulted in the filing of a chargesheet against the driver of the insured vehicle. The filing of a chargesheet, at least in the absence of compelling evidence to the contrary, is itself sufficient to establish negligence of the driver, as held by the Supreme Court and this Court in several decisions. In a recent decision in *Ranjeet v. Abdul Kayam Neb*¹, the Supreme Court 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.”

15. As far as the evidence is concerned, I do not find any reason to disbelieve the claimant. The first discharge summary does not indicate that the claimant was boarding a moving bus at the time of the accident. The recording of the doctor, to this effect, in the second discharge summary is insufficient to arrive at a finding of negligence on the part of the claimant. Quite apart from the fact that a chargesheet was filed against the driver of the insured vehicle, no evidence establishing negligence on the part of the claimant was led by the claimant before the Tribunal. The Tribunal’s task is to assess factual issues on a preponderance of probabilities, which, in my view, it has done correctly.

16. Turning now to the second issue, i.e. the quantum of income on the basis of which compensation ought to have been assessed, it is the undisputed position that the claimant was a permanent resident of Bulandshahar in the State of Uttar Pradesh. However, the Tribunal has assessed loss of income on the basis of minimum wages prevalent in Delhi, in view of the claimant’s evidence that he was living and working in Delhi.

17. In the claimant’s statement recorded before the Tribunal, he revealed that his monthly income was Rs. 20,000/-, and that he was employed as a Sales Executive in “*Riyansh Selection*”, situated at X-3/B1, Gali No. 2, Bhramपुरi, Delhi. This was reiterated in the affidavit of

¹ 2025 SCC OnLine SC 497.



evidence filed by him. In his cross-examination by learned counsel for DTC, he stated that he did not have any document regarding his employment with *Riyansh Selection*. He was not cross-examined on this aspect by learned counsel for the Insurance Company. It may be noted that in the affidavit of evidence filed by the claimant, he stated both his present address in Delhi and his permanent address in Bulandshahar.

18. Significantly, the statement of the claimant before the police authorities [extracted in the FIR quoted above], included in the Detailed Accident Report, shows that he was living in Delhi for 7 to 8 months prior to the accident. This evidence, in my view, is sufficient to uphold the award of compensation on the basis of minimum wages in Delhi. Although the claimant was a permanent resident of Bulandshahar, the evidence placed before the Tribunal shows that he had been residing in Delhi for a considerable period prior to the accident. Even if he was unable to prove, by way of documentary evidence, the identity of his employer or the quantum of his wages, the Tribunal correctly assessed compensation on the basis of minimum wages payable to an unskilled person in Delhi.

19. As no other point has been raised in support of this appeal, the appeal, alongwith pending application, is dismissed.

20. The statutory deposit of Rs. 25,000/- be refunded to the Insurance Company.

PRATEEK JALAN, J

DECEMBER 8, 2025/SS/KA/