



2026:DHC:3369



§~72

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: 22nd April 2026*+ MAC.APP. 206/2022UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION

.....Appellant

Through: Mr. Shahbad Khan, Adv.

versus

LALARAM & ORS.

.....Respondents

Through: Mr. S N Parashar & Mr. Ritik Singh,
Adv.**CORAM:****HON'BLE MR. JUSTICE ANISH DAYAL****JUDGMENT****ANISH DAYAL, J (ORAL)**

1. This appeal has been filed by appellant/Uttar Pradesh State Road Transport Corporation (*'Corporation'*) challenging order dated 24th May 2022 passed by Motor Accidents Claims Tribunal [*'MACT'*], Rohini in MAC Petition No.767/2018 awarding compensation of Rs. 27,06,120/- along with 6% interest to the respondents/claimants.

2. The accident occurred on 14th September 2018 at about 9:45 am, when deceased/*Anandi* was crushed to death due to rash and negligent driving of a bus, operated by appellant/Corporation. Claim petition was filed by her husband and children before the MACT which awarded compensation *vide* the impugned award.



3. *Mr. Shahbad Khan*, counsel for appellant/Corporation, has challenged the award on two grounds - *firstly*, that the issue of negligence was not proven; *secondly*, that minimum wages were wrongly considered at Rs.15,296/- instead of Rs.11,362/- as per notification dated 16th October 2018 and; *thirdly*, deduction of 1/4th was applied, despite there being no dependents of deceased, who was a homemaker.

4. As regards the issue of negligence, the Court has perused the impugned award, particularly *paragraph nos.6 to 9* and does not find the assessment of MACT amiss on any count. Testimony of *Devender Singh, RW-1*, is clearly contradictory and not reliable. *Paragraph nos.6 to 9* of the impugned order are reproduced hereinbelow for ease of reference, and do not need to be paraphrased any further in order to appreciate the assessment made by MACT:

“6) The accident and the consequent death of the victim under the rear wheel of the bus are not disputed. The parties are however blaming their opponent(s). In line with their pleadings. The victim's husband in his affidavit had stated that he along-with his wife were standing near the Mandir. He brought further clarity to this statement in his cross examination. He said that he was standing three steps below the main road while returning on his motorcycle from their daughter's home. The combined reading of all the above suggests that both the victim & her husband were in-fact standing near the road at the relevant time. This testimony however nowhere depicts that the victim was callously standing on the road or that their motorcycle was in motion in the manner suggested by the respondents. Now in this situation, the mere factum of the involvement of the bus in the accident causing the victim's death is sufficient to raise the presumption of 'res-ipsa-loquitur' against the bus-driver. Now his negligence is presumed unless proved otherwise.

7) The onus has now shifted on the bus-driver to repel his assumed rashness. To do so, both he and his conductor RW2



Balbir Singh stepped into the witness-stand. They in their depositions took exactly similar stand that the victim & her husband were blameworthy. They were triple-riding on a rashly driven motorcycle, which consequently lost balance & then the victim got crushed under the rear wheel of their bus. Now as far as bus-driver is concerned, he must be driving at the relevant moment. Meaning thereby, his eyes must have been on the front road. Having said so, it was not at all possible for him to either notice 'what was happening behind or around his bus' or 'if any bike approaching from behind was being driven rashly' or 'that anyone was triple riding it'. It has never been his stand that he noticed any of these acts involving the bike from the rear-side mirror of his bus. Had it been so, I might have given him a benefit of doubt. But once he himself never mentioned any use of his rear-side mirror, I will not assume that he, while driving, was able to notice the manner in which the bike was being driven including triple-riding. The bus-driver in his cross examination rather went to the extent of saying that no accident was caused from his bus. This statement is outrageously contrary to his earlier stand taken in his pleading & examination-in-chief. I was already finding it difficult to believe his version. Now this flip-flopping has made it even more difficult for him to be trusted. Further the victim's husband had deposed in his affidavit that the bus-driver immediately fled the scene with his bus. This statement went entirely unchallenged in his cross-examination. The respondents also never refuted it during their own depositions. The bus-driver or its conductor never ever whispered a single word that they never fled. So it's fair to assume that they did in-fact fled with their bus. The respondents could have summoned the criminal-case record to suggest that the driver did not flee, for e.g. by showing that both he & his bus were apprehended from the spot. But they very casually let go of this opportunity. So for his unexplained acts & omissions, an adverse inference is drawn against the bus-driver.

8) It is no surprise that the bus-conductor PW2 Balbir Singh also toed the line of the bus-driver in blaming the victim &



her husband. He claimed himself to be a conductor working on the offending bus during the accident. The name of this particular conductor arose for the first time only during the trial after his affidavit was filed. His existence was never disclosed by the respondents earlier in their original pleading. He allegedly was an eye-witness. So his name ought to have figured right from the start, not when half of the trial (i.e. PE) was already over. The respondents also did not produce anything to prove his presence on the offending bus. They could have produced his duty roster for the relevant day, but did not. Assuming if he was also on that bus, then he was just as guilty as the driver was. Both were equally heartless in fleeing the scene leaving behind the victim on the road to die. In these circumstances, I am unable to concede to his testimony.

9) Last but not the least. The respondents could have examined the IO of the criminal-case to back up their claim that the victim and her husband were blameworthy. He being the lead investigator could have been the best witness to throw light on the manner & sequence of this accident. Anyhow now out of all the three witnesses examined, in this case, the testimony of the victim's husband appears to be the most convincing as an eye-witness. He had exposed the malfeasance of the offender by his unwavering stand. The respondents have failed to repel the presumption of rashness or negligence. Every-bit of this tilted the scale in the favour of the petitioners.

(emphasis added)

5. As regards the issue of minimum wages, *Mr. S N Parashar*, counsel for respondents/claimants, has pointed out to order dated 21st October 2018 passed by the Supreme Court in Special Leave Petition (*'SLP'*) (C) No. 26185-26228/2018, where it was stated that, *"during the pendency of special leave petitions, minimum wages fixed as per notification dated 3rd March 2017, will hold the field."* As per notification dated 3rd March 2017 published by Labour Department, Government of National Capital



Territory of Delhi ('**GNCTD**') which has been handed up in the Court, minimum wages for a non-matriculate were Rs.14,698/-, which was subsequently revised by order dated 4th April 2018 passed by Labour Department, GNCTD, to Rs.15,296/-.

6. Court has perused the said notifications, as well as, order dated 16th October 2018 passed by Labour Department, GNCTD, relied upon by *Mr. Shahdab Khan*, counsel for appellant/Corporation, to contend that minimum wages were Rs.11,362/-. However, it seems that in view of the above noted order passed by Supreme Court and notification dated 4th April 2018, which would be applicable on the date of accident *i.e.* 14th September 2018, MACT was correct in applying the said figure.

7. As regards the issue of dependency ascertained by the MACT for deceased who was a homemaker, *Mr. Parashar*, counsel for respondents/claimants, points out to judgment of Supreme Court in ***Kirti v. Oriental Insurance Company Ltd.*** (2021) 2 SCC 166 where the Supreme Court in *paragraph 9 and 10* has dealt with the issue of grant of compensation in case of death of a homemaker, and stated that notional income for a homemaker, has to be examined on the basis of facts and circumstances. Reliance was also placed upon the decision of Supreme Court in ***Arun Kumar Agarwal v. National Insurance Company*** (2010) 9 SCC 218 which stated that service provided by homemakers is invaluable and has to be given a broad meaning on account of loss of personal care and attention given by deceased to her children and her husband.

8. In this view of the matter, the plea that compensation ought not to have been awarded to a homemaker, is not acceptable.



9. MACT had deducted 1/4th towards personal and living expenses at 1/4th. In that regard, it has been pointed out by *Mr. Khan*, counsel for appellant/Corporation, that deceased is survived by her husband, four sons and a married daughter. It has been pleaded in appeal that the married daughter ought not to be considered as a dependant. Even otherwise, if the married daughter is not considered to be dependant, keeping in mind the husband and four sons, personal and living expenses deducted at 1/4th by MACT is permissible, as per principles enunciated under *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680. Moreover, as noted in *paragraph 14* of the impugned award, MACT has considered the principle of just and reasonable compensation, which has been taken note of by the Court.

10. It is pertinent to note that the family of respondents/claimants is extremely poor and deceased was earning only Rs.10,000/- to Rs.15,000/- per month as a vegetable seller and further, falls in the category of marginalised strata of society. Moreover, sons of deceased would have also been dependant on her for their means of livelihood. In this regard, MACT drew reference to decision of Supreme Court in *National Insurance Co. Ltd. v. Birender & Ors.* (2020) 11 SCC 356.

11. In this view of the matter, plea of appellant/Corporation is not sustainable.

12. Appeal is accordingly dismissed.

13. By order dated 25th July 2022, this Court had directed the appellant/Corporation to deposit the entire compensation amount and 50% of the awarded amount was directed to be disbursed as per the scheme of disbursement. Considering that the appeal stands dismissed, complete amount



2026:DHC:3369



be disbursed, forthwith along with accrued interest, as per scheme of disbursement provided by the MACT.

14. Statutory deposit, if any, be refunded to appellant/Corporation, only if the order of deposit has been complied with.

15. Judgment be uploaded on the website of this Court.

(ANISH DAYAL)
JUDGE

APRIL 22, 2026/sm/sp