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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAC.APP. 87/2026, CM APPL. 5963/2026, CM APPL.
5964/2026&CM APPL. 5965/2026

Date of decision: 29th January 2026

UNITED INDIA INSURANCE COMPANY LTDAppellant

Through: Mr. Harsh Kumar, Advocate.
versus

SMT. SUNITA RANI & ORS.Respondents

Through: Mr. Govind Singh Bisht, Advocate

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

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ANISH DAYAL.J: (ORAL)

1. This appeal has been filed by the insurance company challenging the award dated 20th August 2025 (*'impugned award'*) passed by the Motor Accident Claims Tribunal (*'MACT'*) in MACT 655/2018, whereby compensation of Rs. 22,35,100/- along with interest rate of 9% per annum was awarded.
2. The incident occurred on 15th May 2018 at about 3.30 a.m., when the deceased *Mithu*, along with the injured, *Waseem*, were coming from Rohtak to Delhi in a car driven by *Waseem*. When they reach *Sector 49 near Bypass Mor Bahadurgarh, Haryana*, their car hit a truck which was parked negligently on the road without any indicator lights or reflectors.
3. The driver of the offending vehicle fled away from the spot. Injured



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Waseem took *Mithu* to the hospital where he was declared brought dead.

4. FIR no. 265/2018 under Sections 283/337/304A Indian Penal Code, 1860 was registered at *PS City Bahadurgarh Haryana*, which culminated in filing of a charge sheet.

5. *Mr. Harsh Kumar*, counsel for appellant/insurance company, challenges the award on two grounds. *Firstly*, it is contended that the insurance company had pleaded contributory negligence on part of the injured driver, *Waseem*, as the car had rammed into the rear of a stationary truck, indicating that it must have been driven at a high speed.

6. The said aspect was considered by MACT in *paragraph 33* of the impugned award. The MACT noted that the offending vehicle was parked on a curved road without any hazard lights, thereby clearly establishing negligence on the part of the truck driver.

7. Moreover, there was no proof, if the injured *Waseem* was driving the car in a rash and negligent manner and therefore, they could not be held liable for contributory negligence.

8. The Court has examined the records which have been placed as part of the appeal including the charge-sheet and the written statement filed by appellant.

9. There is nothing on record to suggest that the offending truck was not parked on the turn/curve of a highway and had taken precautions by turning on its hazard lights, particularly considering it was 3:30 a.m.

10. Reliance may be placed on the judgment of Coordinate Bench of this court in *Meenu Attery & Ors. v. United India Insurance Co. Ltd. & Ors.*, 2024:DHC:9483, wherein a motorcycle collided with a stationary truck parked in middle of the road without visible indicator or blinkers. Relying



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on the judgment of Apex Court in ***Jumani Begum v Ram Naryan***, (2020) 5 SCC 807 held as under:

“11. Similar facts as in present case, were considered in the case of Jumani Begum vs Ram Narayan, (2020) 5 SCC 807, wherein the Apex court was concerned with the issue of determination of contributory negligence when the deceased victim driving a two-wheeler at night and dashed into truck trailer on road without any reflectors. The court held that once the substantive evidence of the eyewitness before the MACT established that truck trailer had been parked on road at night without any reflectors, there was no reason or justification for MACT to proceed on basis of conjecture in arriving at a finding of contributory negligence.

12. Further, the manner in which the accident has occurred is also corroborated by the documents filed along with the charge-sheet. The site plan clearly indicates that the truck was parked and the manner of accident fully corroborates with the testimony of PW-3.”

(emphasis supplied)

11. Reliance can also be placed on Apex Court judgment of ***Sushma v Nitin Ganapati Rangole and Ors.***, 2024 SCC OnLine SC 2584, wherein car collided with truck that was left abandoned in middle of the highway without any warning signs *i.e.* indicators, or parking lights. The Supreme Court held as under:

“40. On a holistic analysis of the material available on record, it is established beyond the pale of doubt that the offending truck was parked in the middle of the road without any parking lights being switched on and without any markers or indicators being placed around the stationary vehicle so as to warn the incoming vehicular traffic. This omission by the person in



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control of the said truck was in clear violation of law. The accident took place on a highway where the permissible speed limits are fairly high. In such a situation, it would be imprudent to hold that the driver of a vehicle, travelling through the highway in the dead of the night in pitch dark conditions, would be able to make out a stationary vehicle lying in the middle of the road within a reasonable distance so as to apply the brakes and avoid the collision. The situation would be compounded by the headlights of the vehicles coming from the opposite direction and make the viewing of the stationary vehicle even more difficult. Thus, the conclusion drawn by the Courts below that the driver of the car could have averted the accident by applying the brakes and hence, he was equally negligent and contributed to the accident on the application of principle of last opportunity is ex-facie perverse and cannot be sustained. Hence, it is a fit case warranting exercise of this Court's powers under Article 136 of the Constitution of India to interfere with the concurrent finding of facts."

(emphasis supplied)

12. In the present case, the chargesheet clearly provides that the truck was parked on a curve of the road without any hazard lights or warning indicators at night. In view of the settled legal position laid down by the Hon'ble Supreme Court and this Court, the driver of the offending truck is solely negligent in causing the accident.

13. Further, there is no evidence to show that the car driven by the injured *Waseem* was being driven in excess of the prescribed speed limit or in a rash and negligent manner.

14. In view of these facts and circumstances, judgment and considering that the liability has been assessed on a preponderance of probabilities, as is the settled law, this ground of appeal is not sustainable.



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15. The *second* ground raised pertains to the application of minimum wages of an *unskilled* labourer applicable in Delhi, assessed at *Rs. 13,896/-* per month.

16. Counsel for appellant submits that although the DAR mentioned that the deceased was working in a bakery in Delhi, the residential address provided in the memo of parties is that of Uttar Pradesh; therefore, the minimum wages of Uttar Pradesh ought to have been applied.

17. However, no evidence has been produced by the insurance company to establish that the deceased was working in Uttar Pradesh. Based on the material available before it, the MACT accepted the statement made in the DAR. Further, the evidence of the father of the deceased, **PW-1**, has been noted in *paragraph 8* of the impugned award, wherein, during cross-examination, he denied the suggestion that his deceased son was not working at the time of the incident. His testimony, therefore, stood un rebutted.

18. Considering that there was no documentary proof regarding employment and income of the deceased son, the minimum wages of an *unskilled* worker were taken as applicable in Delhi.

19. Regards this issue that, in the absence of documentary evidence to assess the monthly income of the deceased, the Notification of Minimum Wages Act can be taken as a guiding factor. Reliance may be placed on the judgment of the Hon'ble Supreme Court in *Jitendra v. Sadiya, 2025 SCC OnLine SC 261*. The relevant paragraph is extracted hereunder:

“10. We have heard the learned counsel for the Appellant. We are unable to agree with the view taken by the Tribunal and High Court on the income of the Appellant and the functional disability suffered by him.



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At the outset, we must refer to the exposition of this Court in Gurpreet Kaur v. United India Insurance Company Ltd., wherein it was stated the notifications under the Minimum Wages Act can be a guiding factor in cases where there is no evidence available to evaluate monthly income.”

(emphasis supplied)

20. In view of the above, this Court does not find any infirmity with the findings of the impugned award. Accordingly, the appeal stands dismissed.
21. Pending applications are also rendered infructuous.
22. Statutory deposit, if any, be refunded to the appellant.
23. Judgment be uploaded on the website of this Court.

**ANISH DAYAL
JUDGE**

JANUARY 29, 2026/RK/zb