$~1

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

***%*** ***Decided on: 03.12.2025***

\+ MAC.APP. 681/2025 & CM APPL. 66484/2025

SHRIRAM GENERAL INSURANCE CO. LTD .....Appellant
Through: Mr. Sameer Nandwani & Mr. Jyaditya Dogra, Advocates.

versus

ANOKHA DEVI & ORS. .....Respondent
Through: None.

**CORAM:**
**HON'BLE MR. JUSTICE PRATEEK JALAN**

**PRATEEK JALAN, J. (ORAL)**

1. The appellant – Shriram General Insurance Co. Ltd. ["Insurance Company"], challenges an award dated 25.07.2025 passed by the Motor Accident Claims Tribunal ["Tribunal"] in DAR No. 09/2020 [*Anokha Devi & Ors. v. Sewa Nand & Ors.*].

2. The award arises out of a fatal accident that occurred on 23.08.2019 at approximately 04:02 A.M., near the British High Commission, Chanakyapuri, New Delhi. The accident resulted in the death of one Sarvan Kumar, who was driving a truck bearing registration No. DL-AGC-0816. As recorded in the impugned award, the deceased, alongwith his helper, was *en route* to Moti Nagar but lost his way and had parked the truck on the side of the road. While signalling passing vehicles for directions, they were struck by a Hyundai Xcent car bearing registration No. HR-55AF-0623 ["insured vehicle"]. The deceased

sustained grievous injuries and was taken to hospital, where he succumbed to his injuries the following day.

3. The Tribunal proceeded on the basis of the Detailed Accident Report ["DAR"] submitted by the police, which included FIR No. 90/2019, registered under Sections 279 and 304A of the Indian Penal Code, 1860 ["IPC"].

4. After examining four witnesses – Mr. Satish Chaudhary, father of the deceased [PW-1], Mr. Subodh Giri, employer of the deceased [PW-4], Sub-Inspector Vijay Pal Singh (Retd.), Investigating Officer [PW-3], and Mr. Parth Arya, Legal Officer of the Insurance Company [R3W1/A] – the Tribunal concluded that the driver of the insured vehicle [respondent No. 5 herein], had driven rashly and negligently. The appellant, as the insurer of the vehicle, was held liable to pay compensation of Rs. 25,32,708/- along with interest at the rate of 7.5% per annum. The compensation was awarded under the following heads:

| Sr. No. | Heads | Compensation awarded |
|---|---|---|
| 1. | Loss of dependency | Rs.22,06,008/- |
| 2. | Loss of consortium | Rs.2,90,400/- |
| 3. | Loss of Estate | Rs.18,150/- |
| 4. | Funeral Expenses | Rs.18,150/- |
| **Total Compensation** | | **Rs.25,32,708/-** |

5. The record of the Tribunal has been summoned.

6. Mr. Sameer Nandwani, learned counsel for the appellant, advances the following contentions in support of the appeal:

a) The accident occurred due to the negligence of the deceased

himself, who was allegedly intoxicated at the time of the incident, as reflected in the Medico-Legal Case Sheet ["MLC"].

b) The employment of the deceased was not duly established, and his salary was not proved by cogent evidence.

c) Respondent No. 1 herein, who claims to be the mother of the deceased, was only 45 years old at the time of the accident as per her Aadhaar Card, whereas the deceased was 37 years old. It was submitted that the Tribunal ought to have considered whether the claimants could be treated as dependents of the deceased at all.

***Ground (a):***

7. The first ground urged by Mr. Nandwani is based upon an observation in the death summary prepared by the doctor at Ram Manohar Lohia Hospital, which indicates that the deceased was brought in "*under alcohol intoxication*." However, no blood alcohol analysis was conducted to establish that the deceased's blood alcohol level exceeded the permissible limit. Even the chargesheet filed by the police in the criminal proceedings merely records that the blood sample was sent for analysis, but no report has been placed before the Court.

8. It is pertinent to note that the chargesheet itself records the prosecution of respondent No. 5, the driver of the insured vehicle, for offences under Sections 279 and 304A of the IPC. In the absence of credible evidence regarding the Blood Alcohol Content ["BAC"] of the deceased, the chargesheet constitutes sufficient *prima facie* material to attribute negligence to the driver for the purposes of adjudication before the Tribunal. This principle has been consistently recognized in numerous judgments of the Supreme Court, and of this Court. In the recent

judgment of *Ranjeet v. Abdul Kayam Neb*[1], 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*."[2]

9. In the absence of scientific evidence to establish the allegation that the deceased has consumed alcohol beyond the permissible limit, I am of the view that the Tribunal was entitled to proceed in terms of the chargesheet. Ground (a) is, therefore, rejected.

***Ground (b):***

10. The second ground urged by Mr. Nandwani relates to the employment of the deceased. The Tribunal assessed the income of the deceased on the basis of minimum wages of a skilled worker in Delhi [Rs.17,508/- per month], having disbelieved the assertion of PW-1 that the deceased earned Rs. 20,000/- per month. The challenge is on the ground that the minimum wages in Bihar ought to have been taken into account, as the deceased was a resident of Bihar.

11. PW-2, the employer of the deceased, is a resident of Delhi. He deposed that he had employed the deceased as a driver of his truck for three to four months preceding the accident and that the deceased was drawing a monthly salary of Rs.16,000/-. He stated that the deceased was driving the said truck on the date of the accident. In cross-examination by learned counsel for the Insurance Company, PW-2 admitted that no appointment letter had been issued to the deceased, that he maintained no

[1] 2025 SCC OnLine SC 497.

attendance or salary records, and that he had not produced any bank statement. He nevertheless affirmed that the deceased had joined his employment in March 2019. He further denied the suggestion that the deceased was travelling as a "*gratuitous passenger*", or that he was under the influence of alcohol at the time of the accident.

12. In light of the evidence on record, I find no infirmity in the approach adopted by the Tribunal. The fact that the deceased was employed as a truck driver by PW-2, who is a resident of Delhi, remained consistent and unshaken during cross-examination.

13. In my view, the evidence on record was sufficient to establish that the deceased was employed in Delhi, and the Tribunal was, therefore, justified in proceeding on that basis.

14. While the Tribunal accepted that the deceased was employed in Delhi, it found no reliable material to substantiate the salary claimed. Accordingly, it computed the loss of dependency on the basis of the minimum wages payable to a skilled worker in Delhi. This approach does not call for interference in appeal.

***Ground (c):***

15. The third issue pertains to the identification of the claimants [respondent Nos. 1 to 4 herein] as dependents of the deceased. It is contended that claimant Nos. 1, 3, 4 and 5, who assert themselves to be the mother and siblings of the deceased, were not, in fact, his biological mother and siblings. This contention is founded on the fact that the deceased was 37 years old at the time of the accident – as per his driving licence [PW1/8], his date of birth is 25.01.1982. In contrast, the Aadhaar

[2] Emphasis supplied.

Card and PAN Card of respondent No. 1 [Ex. PW1/3 and PW1/4] – who is stated to be the mother of the deceased – show her date of birth as 02.05.1977. Mr. Nandwani submits that these facts lead to the inescapable conclusion that respondent No. 1 could not have been the biological mother of the deceased, and was possibly his stepmother, with claimant Nos. 3, 4 and 5 being his half-siblings.

16. While the arguments advanced by Mr. Nandwani may appear persuasive at first glance, I do not consider it appropriate to interfere with the award on this basis. A claimant for compensation need not be a legal heir of the deceased in the sense understood under the Hindu Succession Act, 1956, and even a more remote legal representative may be recognized as a dependent, provided the fact of dependency is duly established. In the present case, the father of the deceased, who testified as PW-1, deposed in his affidavit of evidence as follows:

> "*4. That at the time of accident my son Late Sh. Saravan Kumar was aged about 36 years and was doing the work of dirver* [sic] *and earning about Rs.20,000/- per month.* ***We all legal heirs were fully depended upon the income of my deceased son****. At the time of accident my son was unmarried.*
>
> *5.* ***That my son namely Late Sh. Saravan Kumar left behind myself petitioner No.2 (Father of the deceased), Petitioner No.1 Smt. Anokha Devi (Mother of deceased), Petitioner No.3 Ms. Ranju Kumari (sister of the deceased) (married). Petitioner No.4 Ms. Anju Kumari (sister of the deceased) (unmarried) and Petitioner No.5 Ankit Kumar (brother of the deceased) (unmarried) and there is no other legal heir of the deceased.*****"**[3]

17. All exhibits pertaining to the ages of the deceased and the claimants, including the Aadhaar Card and PAN Card of claimant No. 1 and the driving licence of the deceased, were exhibited through PW-1.

18. PW-1 was cross-examined by learned counsel for the Insurance Company, but the relationship between the claimants and the deceased, or their identification as his dependents, was not challenged in any manner. The cross-examination is reproduced below in its entirety:

> "*I am not an eye witness. I am not aware who gave to me Registered Number of offending vehicle. I have not received any compensation from another courts. I was retired from private job prior to the alleged accident of my deceased son. I am not getting any pension from my Company. My wife is housewife. I do not know the name of employer my deceased son. My deceased son was residing in Rampura, Delhi. I have not filled proof of his residence in Delhi such as Rent agreement, Aadhar card, voter Id Card etc. It is correct that the Driving License as exhibit PW1/8 was issued by R.T.O Sant Kabir Nager U.P. I don't know that the said Driving License of my son was valid or invalid on date of accident. The Deceased Son was getting salary of Twenty Two Thousand Rupees per month. He was not having saving bank account in any post office or bank. I have not filled proof of income of my Deceased son on court record. The Employer of My deceased Son not paid any computation to us on account of death of my son in alleged accident. It is wrong to say that my son Shrawan Kumar was not living in Delhi during the period he meet with alleged accident. It is wrong to say that he was residing in village Malhad, Supaul, Bihar and used to come to Delhi from Bihar on trip to load or unload the goods. It is wrong to say that the accident was not caused due to negligence of driver of offending vehicle. It is wrong to say that accident was caused due to negligence of my deceased son who was standing at wrong side of road and invited danger of accident. It is wrong to say that document filled by me are forged and fabricate. It is wrong to say that I am deposing falsely.*"

19. If the Insurance Company intended to dispute the claim of claimant No. 1 or any other claimant by challenging the factum of dependency, or the relationship asserted by them, such an objection could only have been properly raised through cross-examination of the witness. The testimony of the father of the deceased [PW-1], however, remains unchallenged on these aspects.

---

[3] Emphasis supplied.

20. I am conscious of the fact that the documents referred to by Mr. Nandwani *prima facie* indicate that claimant No. 1 was not the biological mother of the deceased. Even proceeding on the basis suggested by Mr. Nandwani, that she was his step-mother, this would not *per se* negate the claim of dependency. Her identification documents indicate that she was the wife of respondent No. 2 herein, who is admittedly the father of the deceased. All the claimants were also shown to be residing in the same residence as the deceased. These factors lead me to the conclusion in their favour on this point, at least on the applicable standard of balance of probabilities.

21. Further, even the exact status and the nature of relationship of respondent No.1 with the deceased, are factual issues which should have been properly contested before the Tribunal. It is not possible to record a finding on this aspect, in the absence of any evidence having been taken before the Tribunal. Had such cross-examination been conducted, it is conceivable that an explanation would have been forthcoming – for example, the date of birth recorded in the documents could have been erroneous, or claimant No. 1 may have been the adoptive mother of the deceased. In the absence of evidence, it is impermissible to speculate regarding her status and deny her compensation on this ground

22. Finally, there is no dispute that respondent No. 2 was the father of the deceased. In his examination-in-chief, he stated that he was also fully dependent on the deceased and, during his cross-examination, denied that he was receiving any pension from his former employer. In these circumstances, respondent No. 2 would, in any event, have been entitled to compensation, even if the relationship of the deceased with the other

claimants was disproven.

23. The third ground of challenge does not, for these reasons, commend to me.

***Conclusion:***

24. For the foregoing reasons, I am of the view that the contentions advanced by the Insurance Company are devoid of merit. Since no other grounds have been urged in the present appeal, the appeal is dismissed.

25. The statutory amount, if any, be refunded to the Insurance Company.

**PRATEEK JALAN, J**

**DECEMBER 3, 2025**
*'pv'*/dy/SD/