



\$~61

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

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

UNITED INDIA INSURANCE COMPANY LTD .....Appellant

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.



2025:DHC:11100



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:

District: OUTER DISTRICT P.S: RAJ PARK Year: 2020 FIR No: 0097 Date: 17/02/2020

10. Total value of property stolen (चोरी हुई सम्पत्ति का कुल मूल्य):  
 11. Inquest Report / U.D. Case No., If any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण नं., यदि कोई हो):  
 12. F.I.R. Contents (attach separate sheet, if required) (प्रथम सूचना रिपोर्ट तथ्य):  
 Fir no 97/2020 Statement OF Badal S/O Pappu Singh R/O गाँव अहमगढ़, थाना अहमगढ़, जिला बुलन्दशहर, U.P. Age-17 साल, 9667327319 कथन किया कि मैं पता उपरोक्त पर सपरिवार रहता हूँ, जो मैं पिछले 7-8 महीने से अपने मामा अमन के पास H.NO-E 4/31, Sultanpuri, Delhi पर रह रहा हूँ जो दिनांक 16/02/2020 को समय करीब 9:30 बजे रात को मैं S-block चौक, मंगोलपुरी, दिल्ली खड़ा होकर बस का इंतजार सुलतानपुरी अपने मामा के घर जाने के लिये कर रहा था, जो तभी वहाँ पर लाल रंग की DTC BUS NO-DL IPC 8729 Route NO-944 आकर रुकी, जिसमें से वहाँ चौक पर कुछ सवारियाँ उतरी, जो उनके उतरने के बाद मैंने पिछले दरवाजे से चढ़ने के लिये जैसे ही अपना पैर पायदान पर रखा, बस के बस के Driver ने बस को गलफतवाजी व लापरवाही से अचानक चला दिया जिस कारण मेरा पैर पायदान से फिसल गया और मैं नीचे गिर गया बस के पिछले दोनो Tyre मेरे दोनो पैरों के ऊपर से गुजर गया जिससे मेरे दोनो पैरों में काफी चोट आई है कृपया Bus Driver के खिलाफ कानूनी कार्यवाही की जाए। आप ने मेरे पिताजी Pappu Singh के सामने मेरा बयान लिखा, सुन व समझ लिया ठीक है। SD हिन्दी प्रपू सिंह BADAL S/o Pappu Singh Attested SI Manish PS RAJ PARK Date -17-02-2020 श्रीमान Duty Officer साहब थाना राजपार्क नियुक्त है कि प्रकार है कि आज दिनांक 17-02-2020 को मुझे DDNO 6 B मिलने पर व CT Pawan Sanjay Gandhi Hospital पहुँचे वm/c no 2651/20 अज्ञाने Badal S/O Aman R 2/34 SULTAN Puri हासिल की जो MLC पर DR साहब ने A/H/O RTA, Crush Injury व नतीजा चोट O/R दिया दिया है जो Patient Badal Under Treatment मिला जिसने ज्यादा दर्द होने की वजह से अपना Statement बाद में देने को कहा इसके बाद मन SI व Ct Pawan घटनास्थल S Block Chock Mangol Puri Delhi पहुँचा जहाँ पर एक लाल की Low Floor DTC Bus No DLIPC 8729 Route NO -944 खड़ी मिली जिसको Seizure Memo के द्वारा सबूत के तौर पर कब्जा पुलिस में लिया गया जो घटनास्थल के बाद मैं व CT Pawan दोबारा S.G.M Hospital पहुँचे जहाँ पर Patient का LNJP Hospital Refer होना मालूम पाया चला इसके बाद मन SI व CT Pawan LNJP Hospital पहुँचे जहाँ पर Patient का Safdarjung Hospital पहुँचे जहाँ पर Patient Badal S/o Pappu Singh पता उपरोक्त ने अपना उपरोक्त Statement तहरीर कराया जो Patient के Statement से व MLC से offence U/S 279/337 IPC को होना पाया जाता है। जो एक लेख F.I.R दर्ज करने के लिए Duty Officer को दिया गया FIR रजिस्टर करके नंबर FIR को सूचित किया जाए। घटनास्थल की तारीख व समय -16-02-2020 AT About 9:30 pm घटनास्थल का पता -S Block Mangol Puri Delhi लेख देने की तारीख व समय -17-02-2020 AT SD ENGLISH SI MANISH PS RAJ PARK DATE 17-02-2020 पुलिस कार्यवाही अज था। लिखित शिकायत पेश करने पर FIR No-97/20 U/S 279/337 IPC PS- Raj Park C.T.WS. Operator W/ CT Mukesh NO-2741/OD द्वारा Registered Computer करवाकर Original लेख हिन्दी व Computerized FIR Copy SI Manish साहब के हवाले की गई, जो उपयुक्त कार्यवाही करेगी। हालात SHO साहब को बतलाए गये। सम्बन्धित Document Through Dak Senior Officer की सेवा में भिजवाये जायेंगे। Submitted By ASI/DO

13. Action Taken Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2:  
 (की गयी कार्यवाही: चूंकि उपरोक्त जानकारी से पता चलता है कि किया गया अपराध मद सं.2 में उल्लेख द्वारा के तहत है):  
 (I) Registered the case and took up the investigation:  
 (प्रकरण दर्ज किया गया और जांच के लिए लिया गया):  
 (II) Directed (Name of the I.O.) (जांच अधिकारी का नाम): MANISH KUMAR KHARAB Rank (पद): SI (SUB-INSPECTOR)  
 No (नं.): 16150044 to take up the investigation (को जांच आपने पास में लेने के लिए निर्देश दिया गया) OR (या)  
 (III) Refused investigation due to (जांच के लिए): OR (के कारण इकार किया या)  
 (iv) Transferred to P.S (नाम): District (जिला):  
 on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित)

TRUE COPY

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*<sup>1</sup>, 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

---

<sup>1</sup> 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/**