



2026:DHC:8204



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

Reserved on: 20th August 2026.

Pronounced on: 23rd September 2026.

Uploaded on: 24th September 2026.

CNR No. DLHC015342602017

+ **MAC.APP.1128/2017 & CMAPPL.19629/2022, CM APPL.3327/ 2023, CM APPL. 3508/2024**

DSC LTD (FORMERLY KNOW AS D S CONSTRUCTION LTD)

.....Appellant

Through: Mr. Vineet Tayal, & Ms.
Monalika Chaudhary, Advs.

versus

PRAVEEN SHARMA & ANR

.....Respondents

Through: Mr. Pankaj Gupta, Adv. for R-1.

CNR No. DLHC011395502018

+ **MAC.APP. 499/2018**

PRAVEEN SHARMA

.....Appellant

Through: Mr. Pankaj Gupta, Adv.

versus

DARSHAN SINGH & ANR (D S CONSTRUCTION LTD)

.....Respondents

Through: Mr. Vineet Tayal, & Ms.
Monalika Chaudhary, Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT

%

ANISH DAYAL, J.

1. These cross-appeals have been filed assailing impugned award



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dated 31st May 2017 passed by Motor Accidents Claims Tribunal [*‘MACT/Tribunal’*], Rohini Courts, Delhi in MACT Case No. 450395/2016 awarding compensation of Rs.37,19,000/- with interest at 9% per annum to *Praveen Sharma* [hereinafter, *‘claimant’*] in relation to an accident, which occurred on 20th April 2006. Since the vehicle was uninsured, joint liability was fastened on *Darshan Singh* [hereinafter, *‘driver’*] and *DS Constructions Ltd.* (now DSC Ltd.) [hereinafter, *‘owner’*].

2. *MAC.APP. 1128/2017* has been filed by the owner challenging the finding of negligence arrived at by MACT on the ground that claimant was unable to prove negligence on the part of offending vehicle. Challenge has also been raised seeking reduction of quantum of compensation. *MAC.APP. 499/2018* on the other hand, are cross-objections filed by the claimant seeking enhancement of compensation.

The Incident

3. The accident occurred on 20th April, 2006 at 5:30 pm near Rajiv Chowk, Gurgaon when the claimant, along with his elder brother was travelling in a motorcycle bearing no. DL-4-SAK-5526. The motorcycle was being driven by the claimant and his elder brother was seated as the pillion rider. When they were travelling towards Gurgaon, a truck bearing registration no. HR-55-B-6132 [hereinafter, *‘offending vehicle’*] being driven in a rash and negligent manner allegedly collided with the motorcycle driven by the claimant.

4. As a result of the accident, the claimant sustained serious injuries on his back, stomach, legs along with other injuries. He was rushed to



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Pushpanjali Hospital, Gurgaon by his elder brother and unknown persons.

Submissions by counsel

On negligence

5. *Mr. Vineet Tayal*, counsel appearing on behalf of the owner, contended that the impugned award was based on a premise, which was *ex-facie* erroneous and perverse.

6. He stated that the MACT decided the issue of negligence on the basis that FIR was registered and chargesheet had been filed in the criminal proceedings against driver of the truck and, therefore, in view of the decision of Supreme Court in ***Bimla Devi Vs. HRTC*** (2009) 13 SC 530, a presumption of negligence can be made against the driver.

7. In his support, *Mr. Tayal*, relied upon the decision of Supreme Court in ***Surender Kumar Arora v. Manoj Bisla***, (2012) 4 SCC 552.

8. He further contended that the driver was acquitted in the criminal proceedings by the 1st Class Magistrate, Gurgaon on 28th September 2011, therefore, the finding of MACT on the issue of negligence is erroneous.

9. He stated that the acquittal in criminal proceedings was not disclosed before the MACT, considering that the verdict had been passed prior to the impugned award delivered by the MACT in 2017. He submitted that the brother of claimant was the complainant in the said proceedings, however, the acquittal of the driver was not brought to the notice of MACT.



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10. An application being *CM No. 7207/2021* was filed by the owner seeking to place on record the aforesaid judgment passed in the criminal proceedings, which was allowed by the Court *vide* order dated 21st September 2021.

11. MACT relied upon the testimony of the claimant (*'PW1'*) and his brother-*Raman Sharma ('PW2')*, however, the MACT did not evaluate evidence and only relied upon *PW2's* statement that the offending vehicle was being driven in a rash and negligent manner without following traffic rules and regulations.

12. As regards the testimony of *PW1*, *Mr. Tayal* contended that in his cross-examination, he stated that he became unconscious immediately after the accident and regained consciousness only after 2 to 3 days and he had not seen the registration number of offending vehicle.

13. For this, he placed reliance upon the decision in *Om Prakash Nayar v. National Productivity Council*, 1999 SCC OnLine Del 1071, where the Court had observed that since the injured-claimant had become unconscious immediately after the accident, therefore, no reliance can be placed on his evidence as far as the factum of the accident is concerned.

14. As regards the evidence of *PW2*, *Mr. Tayal*, submitted that there were many contradictions in the testimony. *PW2* had stated that the offending vehicle was coming at very high speed, owing to which they slowed down their motorcycle and moved to the side. It was further stated that the offending vehicle hit the motorcycle from the back side.



15. In cross-examination, he negated his statement recorded in the FIR by stating that he noticed the offending vehicle, only after it had hit the motorcycle.

16. For this, he placed reliance upon the decision of Punjab and Haryana High Court in *Jasbir Kaur v. Mohan Singh & Ors.* 1986 SCC OnLine P&H 485, submitting that the statement made in an FIR cannot be treated as substantial evidence.

17. *Mr. Tayal*, counsel for owner, submitted that the presence of *PW2* at the site of accident was doubtful. *PW2* had claimed that he was a pillion rider and the offending vehicle had hit the motorcycle from behind. Accordingly, there would be a presumption that he would have graced the impact first and would have sustained injuries. However, *PW2* did not suffer any injuries, as admitted by him.

18. Moreover, *PW2* also did not visit site of the accident with the police. The Medico-Legal Certificate (*'MLC'*) dated 20th April 2006 noted that the injured claimant was brought by an unknown person, which would belie the claim of *PW2* that he had taken his brother to the hospital. *PW1* was admitted in Pushpanjali Hospital and *Dr. Subhrat Saxena*, examined as *PW4*, stated that he cannot say as to who got *PW1* admitted.

19. Yet, another issue was taken up on the presence of *PW2*, wherein, he had stated that his office was at *Udyog Vihar, Phase-4, Gurgaon* which was located much before the place of accident and his office timings were between 01:30 p.m. to 09:30 p.m., whereas, the accident took place around 05:30 p.m. While, *PW2* had stated that they were



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going to their respective places of work, there was no reason as to why he had crossed the area located much beyond his own office at 05:30 p.m.

20. *Mr. Tayal*, stated that the injured claimant's office was located at *Hero Honda Chowk*, which is located further beyond *Rajiv Chowk*, and his office timings were 05:30 p.m. to 02:00 a.m. On this basis, *Mr. Tayal*, submitted that there would be a presumption that *PW2* would have missed his office, which had started at 01:30 p.m. and had gone towards the direction of his brother's office and, therefore, crossed *Rajiv Chowk* at 05:30 p.m.

21. There was no testimony of eyewitness to prove the alleged rash and negligent driving by the driver of offending vehicle. *Mr. Tayal*, submitted that the accident had taken place at 05:30 p.m. on 20th April 2006, during peak traffic hours and there would have been many eyewitnesses to the accident, however, none were produced.

22. To this, *Mr. Pankaj Gupta*, counsel for claimant, submitted that no evidence had been led by the owner before the MACT and they had only cross-examined the witnesses presented by the claimant. Therefore, this claim cannot be raised at this stage, considering that the owner did not confront the claimant's witness nor did they produce their own evidence, in order to support their claim.

23. *Mr. Gupta*, submitted that the involvement of offending vehicle has not been disputed, which is critical for the assessment of this matter. The only issue raised concerns the manner of accident for which no evidence has been led. The owner did not call the driver of offending



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vehicle to the witness stand, to which, *Mr. Tayal*, responded that he could not be traced.

24. *Mr. Gupta*, submitted that the testimony of *PW1* was very clear that he was driving the motorcycle, with his brother seated as pillion. In his cross-examination, he stated that the registration number of offending vehicle was noted by his brother and he had not seen the registration number, since he became unconscious immediately after the accident.

25. Further, the question of the presence of brother of claimant (*PW2*) at the hospital was absolutely beyond any doubt. Reliance was placed on *Ex.PW4/A (Colly.)*, which notes the admission form dated 20th April 2006 and bears the signature of *Raman Sharma (PW2)* on the consent form. *Mr. Gupta*, therefore, submitted that it is beyond doubt that *Raman Sharma (PW2)* was present there. On what basis, the MLC recorded an 'unknown person' cannot be ascertained. However, there may have been a possibility that *Raman Sharma (PW2)* was taking care of other formalities at that time, while during the state of emergency, some other person had accompanied the claimant and was thus, recorded as 'unknown', since they chose not to give their name.

26. It was pointed out that the FIR had been registered immediately the next day. Therefore, the question of implanting the vehicle or otherwise cannot be accepted. The statements made in the FIR, thus, assumed relevance.

27. As regards the issue of criminal proceedings, *Mr. Gupta*, drew attention of the Court to the reasons given by the Magistrate for acquittal. The Magistrate noted that the aspect of rash and negligent



driving could not be proved beyond reasonable doubt and, therefore, the accused was acquitted. This is quite different from the burden of proof which has to be proved before the MACT, *i.e.* preponderance of probabilities. Moreover, the involvement of offending vehicle was not in question.

28. As regards the issue raised by *Mr. Tayal*, in relation to the mapping of offices, *Mr. Gupta*, stated that the same is absolutely irrelevant, as there can be no overarching presumption as to how they were conducting their lives on that particular day. It was not the case that they were not travelling in the direction of their offices while crossing *Rajiv Chowk*, therefore, the assertion made by *Mr. Tayal*, is absolutely untenable.

Quantum of compensation

29. *Mr. Tayal*, counsel for the owner, pointed out that the original disability assessment was at 9% in relation to both lower limbs. However, despite that, functional disability was taken at 100% relying upon the testimony of *Dr. Amitabh Yadav*, City Hospital, Karol Bagh (*'PW3'*) and *Dr. Subrat Saxena*, Pushpanjali Hospital, Gurgaon (*'PW4'*).

30. It was pointed out that by order dated 02nd November 2023, this Court noted that one of the primary issues was assessment of permanent disability suffered by the claimant and with the consent of parties, the claimant was referred to All India Institute of Medical Sciences (*'AIIMS'*) for assessment of his permanent disability.

31. Pursuant to the same, a report dated 12th February 2024 was



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received, stating that he was diagnosed with *pelvic fracture with bladder and intestinal injury* and his locomotor disability was assessed at 29.33% temporary disability and that he was advised reassessment after 1 year. Further, another certificate was placed by the claimant dated 29th August 2025, which stated that permanent disability was assessed at 49% physical impairment in relation to his lower limb and pelvis.

32. *Mr. Tayal*, counsel for the owner, contested the production of both the second certificate, as well as, the assessment made by the AIIMS Medical Board on the first certificate, which was a huge leap from the original assessment of 9%.

33. In his support, *Mr. Tayal*, relied upon the decision of Madras High Court in ***Oriental Insurance Company Ltd. v. G. Elango***, 2008 SCC OnLine Mad 1364.

34. To this, *Mr. Gupta*, counsel for claimant, stated that since the report had been prepared by AIIMS Medical Board in February 2024, reassessment had been sought after 1 year and the same had been done, subsequent to which the second certificate had been produced. Moreover, the assessment conducted by AIIMS Medical Board in February 2024 had not been challenged by the owner in any manner whatsoever, and a fresh ground was being raised at this stage.

35. *Mr. Gupta*, also pointed out to the collective testimony of *PW3*, *PW4* and *PW5* providing the sequence of events after the accident, *i.e.* he was first taken to *Pushpanjali Hospital (as stated by PW3)* where he was operated multiple times, after which his treatment was carried out in *City Hospital, Karol Bagh (as stated by PW3)* and subsequently his disability



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certificate was produced by *Deen Dayal Upadhyay Hospital* (as stated by PW5).

36. *Mr. Gupta*, therefore, contended that looking at his previous injuries, the list of surgeries, periods of hospitalisation and photographs along with the evidence from doctors, are enough to state that he was not in a position to move and hardly in a position to work.

37. As regards the medical condition of claimant, *Mr. Gupta*, placed reliance upon testimony of doctors who had treated the claimant. *PW4* had stated that the claimant was admitted on 20th April 2006 with a history of road traffic accident. He was bleeding profusely from *perianal* region. His pulse and blood pressure were not recordable. His case was diagnosed as *ruptured urethral rectum*. He was transfused blood and operated on the same day. *Laparotomy with rectal repair* and *ileostomy* was done and later on a fracture of the pelvis was also fixed. He was transfused 42 units of blood and was discharged on 17th May 2006. He was experiencing bedsores at the time of discharge and was asked to come for a follow-up. He was again admitted on 29th September 2006 for *ileostomy*, operated on 09th October 2006 and it was noted that the condition of patient was very bad.

38. Claimant was referred to Sir Ganga Ram Hospital on 26th October 2006 as his condition was not satisfactory and he had developed *faecal fistula*, which could not be managed. *PW4* opined that because of ruptured urethral sexual activities would be compromised in his entire life and the cost of treatment of the patient in the future will be very costly.



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39. PW3 stated that the claimant was admitted on 27th October 2006 and remained at their hospital till 17th November 2006. He was operated multiple times at Pushpanjali Hospital and later referred to Sir Ganga Ram Hospital. He was kept in follow-up and reconstructive surgery was done on 29th May 2009. The doctor opined that the outcome of his injuries was of serious nature and he has lived an unproductive life till today.

40. The treatment required highly skilled care and management. He further opined that they could not comment upon the future complications and; his reproductive life would have suffered from *fractured pelvic* and *ruptured rectum*.

41. Mr. Pankaj Gupta, pointed out that the claimant had gone through 26 surgeries so far. The counsel for owner stated that money had been withdrawn by claimant and enough money had been given to them, though, the expenses incurred for continued treatment were not proportionate.

42. In response to this, Mr. Gupta, drew attention of this Court to the orders of this Court directing release of amounts.

43. On 22nd December 2017, the Court had directed deposit of 50% of the awarded amount and no amount had been released.

44. On 01st February 2018, the Court had taken note of the condition of claimant present in Court. It was noted that as per the chart of medical treatment, he had undergone numerous surgeries and had remained in the hospital for a very long time. The order of 22nd December 2017 was



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modified and the balance 50% was directed to be deposited before the Registrar General within a week. Further directions were given for release of *Rs.5,00,000/-*.

45. On 16th July 2018, the Court directed further release of *Rs.5,00,000/-* to meet the medical expenditure.

46. Thereafter, on 17th August 2018, the Registrar General of this Court was directed to retain the balance amount in fixed deposit receipts ('*FDR*') and monthly interest on the *FDR* was to be released to the claimant.

47. On 19th May 2023, a request had been made for release of further amounts, since the claimant was facing financial difficulties. The owner had objected to the release of further amounts. However, the Court noted that the impugned award itself showed that an expenditure of *Rs.15,00,000/-* had been incurred towards its medical treatment. Accordingly, another *Rs.5,00,000/-* was released. The claimant was directed to file a detailed affidavit setting out the details of the medical treatment being undertaken by him with the approximate costs thereof.

48. Pursuant to order dated 23rd January 2018, medical treatment records had been filed by the claimant giving a detailed history of his medical procedures. Various treatment records had been tabulated, which is reproduced as under:



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**CHART OF MEDICAL TREATMENT AND SURGERIES OF THE RESPONDENT NO.1/INJURED
NAMELY PRAVEEN SHARMA**

Sr. No.	Date	Name of Hospital	Name of Surgeon	Surgery	DOA to DOD	Number of surgeries
1.	20.04.06	Pushpanjali Hospital, Gurgaon	Dr. Subrat Saxena	Intestine, gallbladder, right leg fractured, Pelvis reaptured rectum	20.04.06 to 17.05.06	4 surgeries and 47 units blood was arranged
2.	18.09.2006	Pushpanjali Hospital, Gurgaon	Dr. Subrat Saxena	-do-	18.09.06 to 25.09.06	4 surgeries repeated
3.	27.10.2006	City Hospital, Pusha Road, New Delhi	Dr. Adarsh Chaudhary and Dr. Amitabh Yadav	Nephrology surgery	24.10.06 to 17.11.06	1 surgery
4.	24.12.07	Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi	Dr. B.K. Vohra and Dr. Sudhir Chadha	Operated Gallbladder, fistula, urinary	24.12.07 to 25.12.07	3 surgeries
5.	12.04.2008	Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi	Dr. B.K. Vohra and Dr. Sudhir Chadha	Reoperated of gallbladder/fistula	12.04.08 to 13.04.08	2 surgeries
6.	12.07.08	Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi	Dr. B.K. Vohra and Dr. Sudhir Chadha	Minor urinary operation	12.07.08 to 12.07.08	1 surgery
7.	20.07.08	Jeevan Mala Hospital, New Rohtak Road, New Delhi	Dr. D.S. Rana, Dr. Anil Bhalla, Dr. Ashwani, Dr. Dinesh	Kidney failure acute renal surgery	20.07.08 to 23.07.08	1 major surgery
			Khuller, Dr. Sumit Ojha and Dr. Manish Malik			
8.	25.10.08	Sir Ganga Ram Hospital, Rajinder Nagar, New Delhi	Dr. B.K. Vohra and Dr. Sudhir Chadha	Urethral surgery	25.10.08 to 25.10.08	1 surgeries
9.	25.05.09	City Hospital, Pusha Road, New Delhi	Dr. Adarsh Chaudhary and Dr. Amitabh Yadav	Exploratory laparotomy with ileo transverse anastomosis (S-S) with bladder fistula repair under G.A.	25.05.09 to 05.06.09	2 surgeries

Signature Not Verified

Digitally Signed By: RAHUL
KUMAR CHAUDHARY
Signing Date: 24.09.2026
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10.	30.06.10	City Hospital, Pusha Road, New Delhi	Dr. S. Nundy and Dr. Amitabh Yadav	Multiple surgeries revealed incisional hernia	30.06.10 to 08.07.10	3 surgeries
11.	31.07.10	City Hospital, Pusha Road, New Delhi	Dr. S. Nundy and Dr. Amitabh Yadav	Urethral stricture done L.A.	31.07.10 to 31.07.10	1 surgery
12.	23.06.14	Sir Ganga Ram City Hospital, Pusha Road, New Delhi	Dr. S. Nundy and Dr. Amitabh Yadav	Excisional of mesh and Primary closure under G.A.	23.06.14 to 24.06.14	2 surgeries
13.	05.05.15	Sir Ganga Ram City Hospital, Pusha Road, New Delhi	Dr. S. Nundy and Dr. Amitabh Yadav	Refreshing of skin edges with removal of	05.05.15 to 06.05.15	1 surgeries
				part of mesh surrounding skin		
14.				Doctors advised some major surgeries of the injured		

49. Further, *Mr. Gupta*, drew the Court's attention to the photographs of the claimant and his serious injury was evident in his pelvic region and rectum.

50. As regards the contention raised by *Mr. Tayal*, counsel for owner, that medical records detailing the expenses basis which the MACT had awarded *Rs.15,00,000/-* were not placed on record, *Mr. Gupta*, has taken the Court through the consolidated list of medical bills, which have been filed, which form a part of the Lower Court Record ('*LCR*').

51. He also pointed out the testimony of *PW1*, who had stated in his cross-examination that, he had denied the suggestion that the bills filed by him did not have a corresponding prescription or that they were forged and fabricated. He had further denied the suggestion that expenses mentioned in his affidavit had not been incurred for his treatment.



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Enhancement

52. Aside from this, *Mr. Gupta*, counsel for claimant, pleaded enhancement of compensation on various grounds.

52.1. He stated that future prospects at 40%, on loss of earning capacity, which was granted at Rs.8,03,304/- had not been awarded.

52.2. His income had been taken at Rs.3,719/- by taking the minimum wages, considering that the claimant had not been able to prove his monthly income, despite having stated that he had been working as a Senior Executive at *Expert Serv Solutions Pvt. Ltd.* and he had produced an appointment letter as well. MACT has noted that since he had not been able to prove the said appointment, he would be entitled to minimum wages of a matriculate.

52.2.1. *Mr. Gupta*, has pointed out that the claimant was pursuing B.Com and was his in second year, for which the mark sheets and proof from University of Delhi have been filed. Moreover, the claimant had admitted that there was no employer from *Expert Serv Solutions Pvt. Ltd* to prove the offer letter which had been propounded.

52.3. As regards future medical expenses, *Mr. Gupta*, stated that pursuant to order dated 20th September 2022, an affidavit had indeed been filed, which provides details of the amounts that have been disbursed and amounts which have been spent.

52.3.1. It was stated that a total amount of Rs.23,92,216/-, including interest, had been released in favour of the claimant, at that stage, out of which the expenditure was Rs.23,75,000/-. Details of all the payments



were provided in the affidavit. It was also stated that the father of claimant had borrowed money and taken loans for the payment of medical expenses, since the claimant had been jobless since the date of the accident.

52.3.2. It was also stated that the claimant was 37 years of age and his entire bodily function had been completely disturbed. His health condition was very poor and he was suffering from frequent motions due to which, he could not visit anywhere and was compelled to remain at home. It was stated that his parents were aged 64 years and 62 years and were suffering from issues related to old age. However, his father had still been taking care of him.

52.3.3. Yet another affidavit was filed on 09th August 2023 which was filed in compliance of order of 19th May 2023, wherein, it was stated that the money was being spent on a regular basis on medicines and attendant. Further, they had engaged an attendant for full day care and it was stated that the claimant requires a special diet throughout the day. Accordingly, *Mr. Gupta*, stated that the claim for future medical expenses is being made at *Rs.15,00,000/-* lumpsum.

52.4. Enhancement was also sought on various non-pecuniary heads.

53. In response to this, *Mr. Vineet Tayal*, counsel for the owner, stated that medical expenses awarded at *Rs.15,40,654/-* was without any proof and only on the testimony of claimant. MACT had noted in *paragraph 26*, that relying upon the statement made by *PW3* and *PW4*, that, *'petitioner/injured cannot stand on his own legs and also cannot take food by himself or any liquid diet and for the whole life, he has to depend*



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upon other persons.’ The statement had been accorded to *PW3*, however, no such statement had been made as per his testimony.

54. He further stated that loss of future income which had been granted at *Rs.8,03,304/-* was disproportionate, considering that no proof has been filed showing impact on his alleged employment.

55. He further pointed out order dated 02nd November 2023, where the Court had asked the Medical Board of AIIMS to opine, whether the claimant was in a position to have any employment, carry on his daily routine activities on his own without help and his ability to carry out any other vocation for earning a livelihood for himself. *Mr. Tayal*, pointed out that the Medical Board had only certified the disability without giving any opinion on the same.

Analysis

On Negligence

56. On the issue of negligence, *Mr. Tayal*, counsel for owner had sought to persuade the Court that aside from acquittal of the driver of offending vehicle in criminal proceedings, claimant has not been able to prove that the accident had occurred due to the negligence of driver. As noted above, the offending vehicle was an uninsured truck, which crashed into the motorcycle driven by claimant, along with his elder brother who was seated as a pillion rider.

57. *Mr. Tayal* raised a contention that MACT had decided the issue of negligence on the basis that FIR had been registered and charge-sheet



had been filed, therefore, a presumption of negligence made would stand eroded by the subsequent acquittal.

58. It is no longer *res integra* that the result of criminal proceedings would not have a bearing on the determination of negligence by MACT which is on preponderance of probabilities, since it involves a different burden of proof.

59. In this regard, reliance could be placed on the recent decision of Supreme Court in ***Reena v. Managing Director, Karnataka State Road Transport Corporation and Ors.*** 2026 INSC 889 where the Court was adjudicating upon the question of contributory negligence, along with quantum of compensation. Relying upon the findings of Supreme Court in ***ICICI Lombard General Insurance Co. Ltd. v. Rajani Sahoo & Ors.***, (2025) 2 SCC 599 and ***Mathew Alexander v. Mohd. Shafi & Anr.***, (2023) 13 SCC 510, the Court culled out principles for determination of negligence in cases where the driver of offending vehicle has been acquitted. Relevant observations of the Court are extracted as under:

“20. We preface a few of the well-established precedents in the adjudication of Motor Vehicle Accident claims:

A. Police investigation records, including the FIR and final Charge-Sheet, constitute valid, admissible, and reliable prima facie evidence to establish rash and negligent driving in MACT proceedings. Further, a subsequent acquittal in a criminal case does not affect the assessment of tortious liability under the MV Act.

B. Criminal proceedings and civil MACT Claim Petitions operate in entirely distinct legal realms, as the degree of “culpable rashness” required under Section 304-A of the Indian Penal Code, 1860 (“IPC”) is significantly higher than civil negligence under the



law of torts. The findings, quashment, or acquittals in Criminal Court cannot control or dictate the outcome of MACT proceedings, which must be evaluated independently on civil standards.

...

21. *The following principles can be laid out from the above judgments:*

A. *Charge Sheet creates a prima facie case of negligence.*

B. *Criminal acquittals do not displace this prima facie civil liability.*

C. *Scene sketches showing post-impact vehicle positions cannot be used to infer contributory negligence against smaller vehicles.*

D. *High Courts cannot summarily overturn MACT Awards without meeting the standard of preponderance of probability in civil cases."*

(emphasis added)

60. Aside from the acquittal order itself, as perused by the Court, the Judicial Magistrate had noted that the prosecution had not be able to prove the guilt beyond reasonable doubt. However, involvement of the offending vehicle had not been in question.

61. Moreover, not only the claimant, but his brother/*Raman Sharma* who was riding as pillion had also provided his testimony as *PW2*. The only assertion made by *Mr. Tayal*, in order discredit the testimony of *PW2* is extremely tedious and involves highly speculative assumptions. The fact that the accident had taken place at 05:30 p.m. and *PW2*'s office timings were between 01:30 p.m. to 09:30 p.m., therefore, he would not have been present at the site of accident, is completely presumptive and cannot take away from the fact that *PW2* had chosen to be together with



his brother while going to his place of work, even though his office timings were between 01:30 p.m. to 09:30 p.m.

62. *Mr. Tayal's* submission that since *PW2* was the pillion rider and the offending vehicle had hit the motorcycle from behind, he would have braced the impact and sustained injuries, is also highly assumptive and without any basis. This also has to be considered in the context that the owner chose not to lead any evidence nor was the driver of offending vehicle called to the witness box.

63. Moreover, the involvement of offending vehicle has not been disputed by the owner. No evidence has been placed on record in support of their contention that there was contributory negligence. Other contradictions as pointed out in *PW2's* testimony, in contrast to the statement recorded in FIR, are not determinative of the accident having not taken place due to the negligence of offending vehicle.

64. *PW2* had clearly stated that he saw the offending vehicle come at very high speed and they were hit by the offending vehicle when they slowed down the motorcycle and moved to the side. The claimant (*PW1*) had stated that he had become unconscious and regained consciousness only after 2 to 3 days and therefore, could not identify the offending vehicle immediately, except, must have done so based on the information provided by his brother.

65. Presence of *PW2* at the hospital has been clearly made out through the Admission Form (*Ex. PW4/A (Colly)*) which bears his signature in the consent form. While the MLC had recorded that the claimant was '*brought in by an unknown person*', it could possibly be due to the



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urgency and resultant disarray which occurs when an injured person has to be rushed to the hospital and needs to be taken care of. *PW2's* signature on the consent form proves beyond doubt that he was present at the hospital. Moreover, FIR was registered immediately the day after the accident, therefore, the question of implanting the offending vehicle cannot be accepted.

66. *Mr. Tayal*, raised the issue that there was no eyewitness testimony to prove rash and negligent driving. This plea is unsustainable, since in most accidents it can be seen that eyewitnesses do not come forward. Moreover, the testimonies of both *PW1* and *PW2* are relevant and are corroborative regarding the facts of the accident, on account of travelling on the same motorcycle.

67. In fact, Courts have held that in cases where there is no eyewitness, presumptive element can be taken from the registration of an FIR and filing of a charge-sheet. Lack of eyewitnesses does not mandate that there can never be any finding of negligence as observed by the Supreme Court in *Anita Sharma v. New India Assurance Co. Ltd.*, (2021) 1 SCC 171 wherein, the Court stated that non-examination of best eyewitnesses, as may happen in a criminal trial cannot be a reason for the Tribunal to not go ahead and determine the issue of negligence based on material placed before it. In such situations, nothing can be provided by the family of a deceased in terms of evidence, except for the facts of the accident itself which usually form a part of the investigation by the police.



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68. The fact that burden of proof beyond reasonable doubt was not achieved in the criminal proceeding, cannot take away the fact that an FIR regarding the accident had been registered immediately thereafter with the identification of the offending vehicle and post-investigation a charge-sheet had also been filed, which had not been contested by the owner. This view has been affirmed by the Supreme Court in various decisions, inter alia, *Meera Bai v. ICICI Lombard General Insurance Company Ltd. & Anr.* 2025:INSC:600 and *Ranjeet v. Abdul Kayam Neb*, 2025 SCC OnLine SC 497. Accordingly, *Mr. Tayal's* plea that negligence was not established is, therefore, untenable and rejected.

On Quantum of Compensation

69. As regards the issue of quantum of compensation, there are various aspects which have been asserted by counsels for parties.

70. As regards the disability assessed by Medical Board, DDU, an assessment was originally made at 9% permanent disability in relation to both lower limbs. While considering the issue of assessment of permanent disability, the Court *vide* order dated 02nd November 2023, directed the claimant to be referred to All India Institute of Medical Sciences (AIIMS) for assessment and a Medical Board to be constituted. The Medical Board was also required to opine whether the claimant would be in a position to be employed, carry on routine activities, carry out any other vocation for earning a livelihood.

71. This resulted in a report dated 12th February 2024, which stated that his temporary disability was assessed at 29.33% with advice of reassessment after 1 year. He was diagnosed with pelvic fracture with



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bladder and intestinal injury. Subsequently on 29th August 2025, a certificate was issued by JPN Apex Trauma Centre, AIIMS, stating that the claimant had suffered permanent disability of 49% in relation to both lower limbs and pelvis.

72. Considering that there was a leap from 9% to 49% in the assessment of permanent disability, *Mr. Tayal*, counsel for the owner contested and sought to bring into question the assessment made by the Medical Board. However, considering that no specific efforts were made by the owner to challenge the expert assessment done by the Medical Board, that too by AIIMS in February 2024 when the report was produced, the assertion made by *Mr. Tayal*, counsel for owner, is merely a ruse and without any basis. The second disability certificate was also issued by AIIMS and considering that it is a government hospital and there being no challenge to the same, the said shall be considered as persuasive by the Court.

73. Moreover, as regards the nature of disability suffered, a few things have been brought to attention of this Court by *Mr. Pankaj Gupta*, counsel for claimant. **First**, the continued hospitalization at Pushpanjali Hospital, followed in City Hospital and the referral to Sir Ganga Ram Hospital. *Mr. Gupta*, also drew attention to the disability certificate prepared by DDU. **Second**, the list of surgeries that the claimant underwent treatment for the injuries sustained by him, *i.e.* about 26 surgeries. **Third**, the nature of disability that he suffered which is mostly in the reproductive and urethral regions. **Fourth**, testimony given by *PW4* that his reproductive activity would be completely compromised



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during his entire life and the cost of treatment would be extremely high, has been taken note of by the Court.

74. A chart of medical treatment and surgeries has been provided by the claimant, which has been reproduced above in *paragraph 46*. The Court has also perused the photographs which have been placed on record and takes note that nature of the injury, though, is not a loss of limbs, but affects the claimant's entire reproductive and urinary area, which compromises the claimant in a very serious manner. The injuries have deprived him of any ability to earn money for his livelihood or be employed, considering that his permanent disability was ultimately assessed at 49%. The Court, therefore, deems it fit to assess his functional disability at 80% considering the impediment being faced by him.

75. Another issue which was raised by *Mr. Vineet Tayal*, counsel for the owner, is with respect to the medical expenses which have been awarded at *Rs.15,40,654/-*. In response, *Mr. Gupta*, counsel for the claimant took the Court through a consolidated list of medical bills. Considering that the MACT had arrived at this finding by considering the testimony of *PW1* and rebuttal to any suggestion that they were forged and fabricated, as also the nature of injuries sustained and the surgeries which claimant underwent were sustained, the Court is not inclined to displace the finding of *Rs.15,40,654/-* awarded towards medical expenses.

76. An issue was raised by *Mr. Pankaj Gupta*, counsel for claimant regarding the notional income taken at *Rs.3,719/-*, on the basis of



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minimum wages of a matriculate. While it was contended that he was working as a Senior Executive in *Expert Serv Solutions Pvt. Ltd.* and an appointment letter had been produced, claimant had failed to produce any witness to testify and prove the same.

77. However, as regards his educational qualifications, he was pursuing his B. Com., was 21 years of age on the date of accident and was in his second year. Therefore, considering he was in the middle of his graduation degree, this Court is inclined to consider the minimum wages of a graduate, which will be taken at Rs. 4,031/-. Loss of future income has not been awarded by the MACT, accordingly, future prospects will be considered at 40% with a multiplier of 18 in view of the decision of Supreme Court in *National Insurance Company Ltd. vs. Pranay Sethi & Ors.* (2017) 16 SCC 680.

78. *Mr. Pankaj Gupta*, counsel for claimant, further asserted that compensation has not been awarded towards attendant charges and the claimant requires full day care and special diet. *Mr. Gupta*, stated that approximately an amount of Rs.23,00,000/-, including interest, had been released in favour of the claimant and an expenditure of Rs.25,00,000/- has already been incurred, details whereof have been provided in the affidavit. It was also stated that the father of claimant had borrowed money and had taken loans, since the claimant has not been working since the date of accident. In this regard, an affidavit had been filed on 09th August 2023 in compliance of order dated 09th May 2023.

79. Considering the nature of disability, there is no reason why compensation should not be awarded for an attendant. Accordingly, a



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lump sum amount of *Rs.10,00,000/-* will be awarded towards attendant charges, rather than adopting the multiplier method, considering that this is not a case of 100% disability, as assessed by this Court.

80. As regards non-pecuniary damages, loss of marriage prospects has been awarded at *Rs.10,00,000/-* and loss of amenities have been awarded at *Rs.1,50,000/-* which should sufficiently compensate the claimant on these aspects and should be considered as one common component under loss of amenities. Further, *Rs.1,50,000/-* has been awarded towards pain and suffering which ought to be enhanced, considering the nature of surgeries undergone by the claimant, accordingly, the same will be enhanced to *Rs.5,00,000/-*.

81. Accordingly, the revised computation will be as under:

Sr. No.	Heads	Awarded by the Tribunal	Awarded by this Court
PECUNIARY LOSS			
1	Expenditure on treatment (A)	Rs. 15,40,654/-	Rs. 15,40,654/-
2	Expenditure on conveyance (B)	Rs. 75,000/-	Rs. 75,000/-
3	Expenditure on special diet (C)	Rs. 75,000/-	Rs. 75,000/-
4	Expenditure on nursing/attendant charges (D)	Nil	Rs. 10,00,000/-
5	Income of injured (E)	Rs. 3,719/-	Rs. 4,031/-
6	Future prospects (F)	Nil	Rs. 1,612/-
7	Multiplier (G)	18	18
8	Functional disability (H)	Nil	80%
9	Loss of future income/future earnings [(E+F) x 12 x G x H] = I	Rs. 8,03,304/-	Rs. 9,75,110/-
NON-PECUNIARY LOSS			

Signature Not Verified

Digitally Signed By: RAHUL
KUMAR CHODHARY
Signing Date: 24.09.2026
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10	Pain and suffering (J)	Rs. 1,50,000/-	Rs. 5,00,000/-
11	Loss of amenities and marriage prospects (K)	Rs. 11,50,000/-	Rs. 11,50,000/-
12	Total compensation (A + B + C + D + I + J + K) = L	Rs. 37,19,000/-*	Rs. 53,16,000/- (Rs. 53,15,764/- rounded off)
13	Interest awarded	9%	9%

*wrongly calculated by the MACT, the correct amount is Rs. 37,93,958/-.

Directions

82. For the aforesaid reasons, compensation has been enhanced by Rs. 15,97,000/- [***“enhanced amount”***].

83. Enhanced amount along with 9% interest per annum from the date of filing the petition shall be deposited by the owner before the Registrar General within a period of four weeks. It is directed that a lump sum amount of Rs. 10,00,000/- shall be released to the claimant from the deposit of enhanced amount within a period of two weeks thereafter. Remaining enhanced amount, along with accrued interest, shall be kept in Fixed Deposit Receipts (***FDRs***) of Rs. 25,000/- each for periods of 3 month, 6 months, 9 months and so on, in succession as maybe calculated. Interest accruing on said FDRs shall be credited to the designated Savings Bank Account of claimant. The amount of FDRs on maturity would be released to the Savings Bank Account of claimant upon due verification.

84. By order dated 22nd December 2017, this Court had directed the owner to deposit 50% of the originally awarded amount before Registrar General. The owner was further directed to deposit the balance 50% amount *vide* order dated 1st February 2018 and Rs. 5,00,000/- was directed to be released to the claimant. An amount of Rs. 5,00,000/- was



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further released to the claimant *vide* order dated 16th July 2018. *Vide* order dated 17th August 2018, the Court directed the Registrar General to keep the remaining amount in an interest-bearing fixed deposit. A further sum of Rs. 5,00,000/- was directed to be released *vide* order dated 19th May 2023 for meeting medical expenses. Remaining amount, along with accrued interest, from the originally awarded amount shall be disbursed as per the directions of MACT.

85. Accordingly, the appeals stand disposed of with above directions.

86. Pending applications, if any, are rendered infructuous.

87. Statutory deposit, if any, shall be refunded to the owner, only if the order of deposit has been complied with.

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

(ANISH DAYAL)
JUDGE

SEPTEMBER 23, 2026/MK/sm/sp