



2026:DHC:7742



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 10th September 2026

CNR No. DLHC010250382024

+ MAC.APP. 236/2024 & CM APPL. 26245/2024

UTTARAKHAND TRANSPORT CORPORATIONAppellant

Through: Mr. Dalip Dhyani and Mr. Pradeep
Misra, Advocates.

versus

SHABBIR AHMED & ORS.

.....Respondents

Through: Mr. Sunil Kumar, Mr. Om Prakash,
Advocates.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT**ANISH DAYAL, J (ORAL)**

1. This appeal has been filed by owner/Uttarakhand Transport Corporation (*'Corporation'*) assailing the impugned award dated 23rd December 2023 passed by the Motor Accident Claims Tribunal, Central District, Tis Hazari Courts, Delhi (*'MACT/Tribunal'*) in MACT No. 06/2019, awarding compensation of Rs. 21,27,200/- along with 8% interest.

2. The accident occurred on 20th November 2018 at about 6 p.m. near Kashmere Gate Metro Station when *Imran* (hereinafter, *'deceased'*) was travelling with his friends, *Devender* and *Waseem* on a *Honda Activa* scooter bearing registration no. DL-6S-AZ-11811. A bus bearing registration no. UK-07PA-2865 (hereinafter, *'offending vehicle/bus'*) hit



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the scooter from behind, as a result of which the deceased fell down and was crushed under the front wheel of the offending bus.

3. *Mr. Dalip Dhyani*, counsel for appellant/Corporation, submits that the deceased was triple riding on the scooter when he was allegedly hit by offending bus. He submits that, at the very least, contributory negligence ought to have been attributed to the deceased for travelling on the scooter with two other persons, which was in violation of the Motor Vehicle Act, 1988 (*'MV Act'*). He relies upon the Mechanical Inspection Report (*'MIR'*), which has been referred to in the written statement and records that there was no damage to the front of the bus.

4. On the other hand, *Mr. Sunil Kumar*, counsel for respondents/claimants, submits that an FIR was registered against respondent no.3/driver of the offending bus and he was subsequently charge-sheeted. He submits that the fact that deceased was triple riding did not contribute to the accident and, consequently, negligence was rightly attributed to respondent no.3/driver of the bus. He further submits that there is no other evidence on record on behalf of appellant/Corporation to establish that the accident occurred in any other manner or that there was any circumstance which would exculpate the appellant/Corporation or respondent no.3/driver.

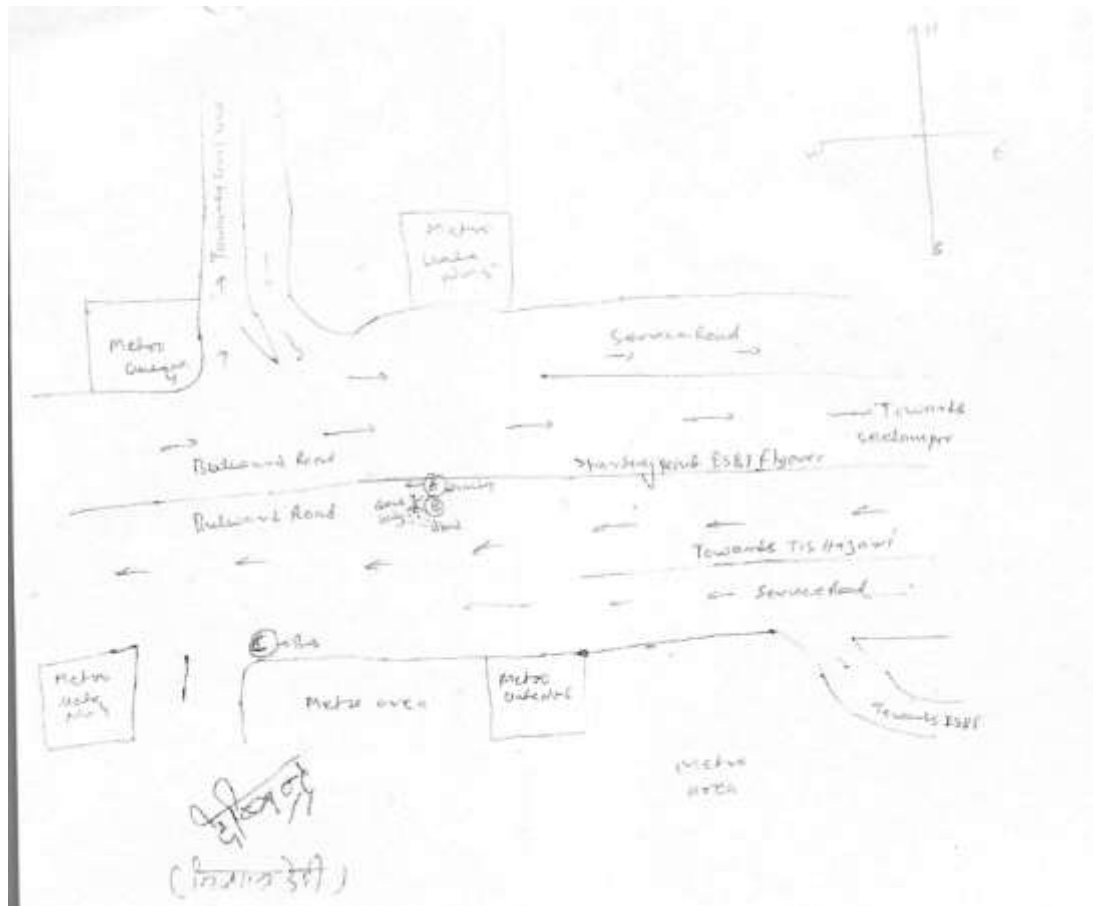
5. Elaborating on their submissions with reference to the Trial Court Record (*'TCR'*), *Mr. Dhyani* has drawn attention of this Court to the photograph of the *Honda Activa* scooter which was on record, showing that this was vehicle was meant for the use of persons with disabilities and, therefore, has a different configuration, including, extensions on both sides.



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6. In conjunction with this, he has drawn attention to the site plan which shows that the scooter was found at *point 'A'*, which was just next to the divider, as opposed to the offending bus which was on the extreme left side at *point 'C'*. The deceased was found at *point 'B'*. The site plan is extracted hereunder for ease of reference:



7. *Mr. Dhyani*, therefore, states that since the scooter was being driven downwards from the ISBT flyover towards Tis Hazari Courts and three riders were travelling in it, the scooter could have lost balance and collided with the divider in addition to the collision with offending bus. He has also drawn attention of the Court to the MIR, which suggests that damage on the scooter is on right side of the body.



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8. In addition to this, he has placed reliance upon the decision of Supreme Court in ***T.O. Anthony v. Karvaranan & Ors.*** (2008) 3 SCC 748 to contend that the Supreme Court has accommodated both contributory negligence and composite negligence in motor accident cases, if the accident had occurred, not only due to the sole negligence of offending vehicle.

9. On the issue of triple riding, he placed reliance upon a judgment of this Court in ***Ved Kumari v. Kishan Lal***, 1998 SCC OnLine Del 765, where a Coordinate Bench of this Court sought to sustain the finding of contributory negligence against the driver of motorcycle on account of triple riding. The Coordinate Bench noted that this was not within the permissible limit as laid down by Section 85 of the Motor Vehicles Act, 1939, as also incorporated in Section 128 of the MV Act.

10. To this, *Mr. Sunil Kumar*, counsel for respondents/claimants, states that no evidence was led by respondent no.3/driver of offending vehicle, though, a written statement had been filed. Considering that there was no evidence, MACT had drawn an inference that the accident had taken place due to the sole negligence of respondent no.3/driver of the offending bus.

11. The issue of triple riding has been considered by the Supreme Court in ***Mohd. Siddique v. National Insurance Co. Ltd.***, (2020) 3 SCC 57. where, the Court held that in order to establish contributory negligence a causal connection must either be established between the violation and the accident or between the violation and the impact of accident upon the accident. The Supreme Court did not deduct contributory negligence in this case, by holding that triple riding by itself may not make the pillion rider guilty of contributory negligence, unless it was shown that the victim either



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contributed to the accident or to the injuries sustained.

12. While the Supreme Court in *Mohd. Siddique* (*supra*) stated that triple riding, per say, does not establish contributory negligence, the decision in *T.O. Anthony* (*supra*) categorically states that contributory negligence has to be considered in cases where the claimant suffered injuries partly as a result of his negligence and such negligence contributed to the accident. Moreover, this Court in *Ved Kumari* (*supra*) has taken a view that contributory negligence would be deducted in case of triple riding.

13. Having taken into account submissions of the parties and perused the record, the Court is of the opinion that some percentage of contributory negligence will have to be fastened on the deceased for having chosen to triple ride on the *Honda Activa* scooter which was meant for persons with disabilities and offered a different vehicle configuration. The person placed himself in a potentially risky position by not complying with Section 128 of MV Act and travelling on the road in a manner which is not in accordance with the applicable rules and regulations. The purpose of MV Act and Motor Vehicles Rules, 1989 is meant to ensure that parties do not put themselves at risk of suffering any injuries or fatality arising out of accidents.

14. No doubt, no evidence has been led by respondent no.3/driver before the MACT, however, the written statement filed by him is quite detailed, in which this defence has been taken up in a comprehensive manner. Moreover, the MIR showed that the damage to the scooter was on right side, whereas, the offending bus was ultimately found on the left side.



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15. The scooter was found next to the divider (*divider being on right of scooter*) while the bus was found to its left. It would be reasonable to assume that the scooter lost balance, being overloaded and unwieldy with three riders and rushing down a flyover.

16. In view of the present facts and circumstances, the Court is inclined to reduce the compensation by 10% on account of contributory negligence.

17. *Mr. Dhyani*, counsel for appellant/Corporation, has raised another issue that minimum wages of an unskilled person have been wrongly applied by the MACT at *Rs.14,000/-*, whereas, on the date of accident, minimum wages of an unskilled person, applicable with effect from 05th August 2018 were *Rs.10,270/-*. However, the accident occurred on 20th November 2018 and as per the minimum wage rate updated as per Cabinet Decision No. 2652, Labour Commissioner, the minimum wage for an unskilled worker effective from 18th October 2018 was *Rs. 14,000/-*. Therefore, the plea of appellant/Corporation is rejected on this count.

18. Funeral expenses and loss of estate have been wrongly awarded at *Rs. 20,000/-*, which shall be aligned as per the decision in **National Insurance Co. Ltd. v. Pranay Sethi** (2017) 16 SCC 680 and shall be awarded at *Rs. 16,500/-* each since the impugned award was passed in 2023.

19. Accordingly, revised computation is as under:

S. No.	Heads	Awarded by the Tribunal	Awarded by this Court
1	Income of deceased (A)	Rs. 14,000/-	Rs. 14,000/-
2	Add Future Prospects (B)	Rs. 5,600/-	Rs. 5,600/-
3	Less: Personal expenses of deceased (C)	Rs. 9,800/-	Rs. 9,800/-

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4	Loss of dependency (A+B)- C=(D)	Rs. 9,800/-	Rs. 9,800/-
5	Annual loss of dependency (D x 12) = (E)	Rs. 1,17,600/-	Rs. 1,17,600/-
6	Multiplier (F)	17	17
7	Total loss of dependency (E x F) = (G)	Rs. 19,99,200/-	Rs. 19,99,200/-
8	Compensation for loss of consortium (H)	Rs. 88,000/-	Rs. 88,000/-
9	Compensation for loss of estate (I)	Rs. 20,000/-	Rs. 16,500/-
10	Compensation towards funeral expenses (J)	Rs. 20,000/-	Rs. 16,500/-
11	Total compensation (G+H+I+J)= (K)	Rs. 21,27,200/-	Rs. 21,20,200/-
12	Less: Contributory Negligence @ 10%	Nil	Rs. 2,12,020/-
13	Compensation awarded (L)	Rs. 21,27,200/-	Rs. 19,08,180/-
14	Rate of Interest Awarded	8%	8%

Directions

20. Accordingly, compensation has been reduced by *Rs. 2,19,020/-* (***‘reduced compensation’***). The revised compensation shall amount to *Rs. 19,09,180/-* [***‘revised compensation’***].

21. By order dated 15th May 2024, the Court had directed the appellant/Corporation to deposit 50% of the compensation and 90% was directed to be released. Thereafter, by order dated 19th August 2026, this Court directed release of the balance amount deposited before the MACT.

22. Accordingly, the balance as per revised compensation, along with interest at the rate of 8% per annum from the date of filing the petition shall be deposited before the MACT within a period of four weeks, which shall be released to respondents/claimants in lumpsum within two weeks



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thereafter.

23. Appeal is disposed of in the above terms.

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

25. Copy of this judgment be sent to the concerned MACT/Bank for information and compliance.

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

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

(ANISH DAYAL)
JUDGE

SEPTEMBER 10, 2026/ak/sp