



2026:AHC:175684

Reserved On: 19.05.2026

Delivered On: 20.08.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 2163 of 2004

State Of U.P. And Another

.....Appellant(s)

Versus

Smt. Vimla Devi

.....Respondent(s)

Counsel for Appellant(s) : S.C.

Counsel for Respondent(s) : Mohnish Chandra, Pranvesh, Rajeev
Tiwari, S.N.Singh

In Chamber

HON'BLE SUDHANSHU CHAUHAN, J.

1. Heard learned counsels for the parties.
2. The present appeal arises out of judgment and order dated 30.01.2003, passed by Motor Accident Claims Tribunal /District Judge, Kannauj in MACP No. 71/70/2000 thereby awarding an amount of Rs.1,87,834 along with 9% interest to the wife-respondents of the deceased, who passed away in a road accident.
3. The facts of the case are that one, Ramesh Chandra, was riding a motorcycle along with his relative and while coming from village Bhura to Police Station Guras Hamganj on 03.05.2000, as Ramesh Chandra reached near the pond in village Akbarpur, the motorcycle was hit head-on by the official vehicle of Deputy Inspector General of Police bearing registration number UP 32 AB 1814, which was being driven in a rash and negligent manner. Ramesh Chandra suffered grievous injuries in the accident and was admitted at Lohia Hospital, Fatehgarh, for treatment. Subsequently, Ramesh Chandra was shifted to Regency Hospital, Kanpur and then again back to Lohia Hospital. Ramesh Chandra passed away on 11.05.2000 on account of the injuries sustained in the accident. The postmortem of the deceased was carried out at Lohia Hospital, Fatehgarh. The deceased is succeeded by his widow-respondent and two minor daughters and a minor son.
4. The respondent had subsequently filed a claim petition before the Motor Accident Claims Tribunal seeking a compensation of Rs. 4 lakhs

on account of the death of her husband, Ramesh Chandra, in a road accident on 03.05.2000. The driver of the offending vehicle had filed his written statement in the proceedings, stating that it was the motorcycle that was being driven in a rash and negligent manner, leading to the accident, and as such, no liability could be fixed on the appellants. Learned tribunal, after considering all the pleadings of the parties and the evidences on record, had awarded an amount of Rs.1,87,834/ along with 9% interest from the date of filing of the petition in favour of the respondent against the appellants.

5. The appellants, being aggrieved by the award dated 30.01.2003, has filed the present appeal essentially on the ground that the accident had taken place due to rash and negligent driving of the motorcycle by the deceased and that the compensation awarded is arbitrary and excessive.

6. This court has perused the records of the case and finds that the learned tribunal had framed issue no. 1 to the effect as to whether the government vehicle bearing registration no. UP32AB1814 was being driven in a rash and negligent manner, leading to the accident and death of Ramesh Chandra.

7. Learning Tribunal, while deciding the issue, had considered the oral evidence of Ram Kishore, who was riding pillion with the deceased at the time of the accident and was also an eyewitness. The Learned tribunal held that, although an entry in respect of the accident had been made in the general diary, no investigation was carried out by the police authorities, probably in view of the fact that the vehicle involved was the official car of a senior police officer. The version of the claimants was that the ambassador car, while being driven in a rash manner, was overtaking a tractor and, in the process, had hit the motorcycle, while it was alleged on behalf of the driver driving the government vehicle that it was the motorcycle, which was overtaking the tractor and, while doing so, had hit the ambassador car.

8. The learned Tribunal, while deciding the issue, arrived at a categorical finding that there was a lapse on the part of the police authorities in failing to carry out any investigation in respect of the accident. It was probably so, as the vehicle involved in the accident belonged to the police department. Further, it was not possible for the deceased or the pillion

rider to have noted the registration number of the tractor and to trace the driver of the tractor, so that they could place the correct facts regarding the accident. Hence, the claimant cannot be held liable for this lapse on the part of the appellants and police authorities.

8. It was also held that a senior police officer was traveling in the car from Lucknow to Agra at the time of the accident and was in a hurry (as the officer had to reach Agra for VIP duty as per the written-statement of the driver). The vehicle had taken four hours to reach the site of accident from Lucknow, which was at a distance of 180 km. Several districts including Kanpur, which is heavily populated, fell in the way and obviously the vehicle would have slowed down while crossing these districts. Thus, it is evident that the vehicle had covered the distance in a rather short period of time, and apparently it was being driven at a speed of 50-55 km/hr. In the usual course, the general public reduce the speed of their vehicles and give way to VIP vehicles as such, the VIP vehicles, including the one involved in the accident, are usually driven at a high speed.

9. This court finds no infirmity in the findings of the learned tribunal as far as the question of rash and negligent driving is concerned. More so, the appellants themselves failed to produce any evidence to demonstrate that the motorcycle was being driven in a rash and negligent manner while the eye witnesses of the incident had deposed against the appellants. Further, the claimant cannot be held liable for lapses on the part of the appellants in failing to carry out any investigation in respect of the accident, despite having due knowledge of the same.

10. As far as the question of awarding compensation is concerned, the learned Tribunal had taken the age of the deceased as 35 years and while rejecting the contention of the respondent that the deceased was privately employed, in the absence of any evidence to support the same, the learned Tribunal had determined the annual income of the deceased as Rs.15,000/-. Thereafter, the learned Tribunal had deducted an amount of one-third of the annual income of the deceased towards personal and living expenses and held that an amount of Rs.10,000/- was available to the respondent, and her children for their maintenance and upkeep, after applying the multiplier of 17, the compensation payable to the respondent was determined as Rs.1,70,000/-. Further, the learned Tribunal had

awarded an amount of Rs.10,000/- as dependency loss, Rs.2,000/- towards funeral expenses, and an amount of Rs. 5,834/- towards medical expenses incurred during the treatment of the deceased. Thus, it was held that the respondent was entitled to an amount of Rs. 1,87,834/- alongwith 9% interest from the date of filing of the claim.

11. It is also argued by the learned counsel for the appellants that considering the age of the deceased, the multiplier of 16 should have been applied while determining the compensation. However, this Court is of the view that a rather meager amount of compensation has been awarded by the learned Tribunal considering the fact that the family had lost it's sole bread winner and had left behind three minor children and a widow. Further as the deceased had four dependent family members, the deduction towards personal expenses of the deceased should have been 25% and not 30% as held by learned Tribunal. Hence, it cannot be said that the compensation awarded by the learned tribunal was excessive.

12. Thus, the appeal lacks merits and is dismissed.

(Sudhanshu Chauhan,J.)

August 20, 2026

Nadeem