



2026:AHC-LKO:19507

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 327 of 2021

Reliance General Insurance Company Ltd. Kanpur
Nagar

.....Appellant(s)

Versus

Preeti And Others

.....Respondent(s)

Counsel for Appellant(s)	: Mahendra Kumar Mishra
Counsel for Respondent(s)	: Jagat Pal Singh, Jagdish Pratap Pandey

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. The instant appeal has been preferred under Section 173 of the Motor Vehicle Act, 1988 against the judgment and award dated 25.08.2021 passed by the Motor Accident Claims Tribunal (South), Lucknow in M.A.C.P. No.13 of 2019, whereby compensation of Rs.41,01,462.40/- along with interest has been awarded in favour of the claimants-respondents.

2. Brief facts of the case is that on 17.12.2018 while one complainant Vivek Singh was proceeding from his house on a vehicle bearing registration No. HR 10 N 8201 at around 11:30 pm in front of Sarojini Nagar Police Station one car (i-10) bearing registration No.UP 35 AU 5103 came driven in rash and negligent manner collided with the motor-cycle from the back side due to which Vivek Singh had sustained serious injuries. He was taken to the hospital where he succumbed to injuries. Thereafter, the F.I.R. was lodged, post mortem was conducted and as per the post mortem report, the death happened because of the injuries caused in the accident. The dependents of the deceased had preferred a claim petition.

3. The Tribunal after perusing the record had framed the following issues:-

"1. क्या दिनांक 17.12.18 को समय लगभग 11.30 बजे रात में लखनऊ कानपुर प्रोड पर स्थित थाना सरोजनी नगर के पास थाना सरोजनी नगर जिला लखनऊ में कार संख्या-यू पी 35 ए यू 5103 के चालक द्वारा वाहन को तेजी व लापरवाही पूर्वक चलाते हुए मोटर साइकिल संख्या एच.आर.10 एन 8201 में पीछे से टक्कर मार कर दुर्घटना की थी, जिसमें आयी चोटों से विवेक सिंह की मृत्यु हो गयी ?

2. क्या उपरोक्त दुर्घटना कारित करने वाले वाहन कार संख्या-यू पी 35 ए यू 5103 के चालक के पास वैध एवं प्रभावी ड्राइविंग लाइसेंस मौजूद था ?

3. क्या उपरोक्त दुर्घटना कारित करने वाले वाहन कार संख्या-यू पी 35 ए यू 5103 विपक्षी संख्या-3 रिलायन्स जनरल इन्श्योरेंस कम्पनी लिमिटेड में बीमित था ?

4. क्या याची विपक्षीगण से कोई प्रतिकर धनराशि पाने के अधिकारी हैं यदि हाँ तो किस विपक्षी से और कितना ?

5. अनुतोष ?"

4. After examining the evidence led by the parties and perusing the records and other documents, the Tribunal came to the conclusion that the accident happened on 17.12.2018 at 11:30 pm wherein the deceased while riding the motor-cycle was hit from behind by a car which has been driven in rash and negligent manner. At the time of accident, the driver of the vehicle had a valid driving license and was duly ensured with the Insurance Company. The Tribunal further found that the deceased was of 35 years of age and looking into the earnings and the other factors came to the conclusion that the claimant was entitled for compensation of Rs.41,01,462.40/-. This order has been assailed by means of instant appeal.

5. Learned counsel for the appellant submits that the issue No.1 had been decided in a very casual manner without even appreciating and even without considering the re-construction report of the accident filed by the appellant. He further submits that the Tribunal has not placed reliance on a motor-accidents re-construction report filed by the appellant which shows that the accident had happened but since the deceased seems to have not wearing the helmet the injuries caused became fatal.

6. *Per contra*, learned counsel for respondents submits that the Tribunal has rightly passed the award after relying on the evidence led by the witnesses and also relying on the documents before the Tribunal. He further submits that the reconstruction report filed before the Tribunal cannot be considered for the simple reason it has a report made and submitted by the appellant to support his case and it is not an independent report but report of some agency which is duly appointed by the appellant company.

7. He further submits that though the report was filed but the same has not

been pressed before the Tribunal.

8. Heard Shri Mahendra Kumar Mishra, learned counsel for the appellant and Shri Jagat Pal Singh, learned counsel for respondents and perused the record.

9. The only argument raised by the appellant is that the Tribunal has not placed reliance on a motor-accidents re-construction report filed by the appellant which shows that the accident had happened but since the deceased seems to have not wearing the helmet the injuries caused became fatal.

10. A perusal of the report shows that *"such injuries to the face of motor-cycle rider could have been reduced or avoided if rider uses a protective helmet and as per the Rules of Indian Traffic Regulation while riding it is mandatory for a rider wearing helmet and follow safety precaution"*. This motor accident re-construction report filed by the appellant cannot be completely relied on as it is a self obtained report. Moreover, there are number of injuries and the report says that the injuries on the face could have been reduced if he was wearing a helmet. The report suggest that the injuries on the face could have reduced if he were wear helmet however, there are number of other injuries and the cause of death could be because of any of the injuries hence, the motor accident re-construction report cannot be completely relied on.

11. Accordingly, the impugned order is perfectly justified and I see no reason to interfere in the matter accordingly, the appeal is **dismissed**.

12. The lower court record and a copy of this judgment shall be sent to learned Tribunal for compliance. The statutory amount deposited before this Court shall be remitted back to the learned Tribunal for adjustment.

March 17, 2026
Saurabh Yadav/-

(Prashant Kumar,J.)