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**CASE ANALYSIS - UTTAR PRADESH STATE ROAD
TRANSPORT CORPORATION (UPSRTC) V. ANIL
NARAIN SAXENA & ANR**

AUTHORED BY - PRINCESS CHOPRA

CITATION	2024 SCC OnLine Del 5873
DATE	22 AUGUST, 2024
COURT NAME	DELHI HIGH COURT
PLAINTIFF/APPELLANT/PETITIONER	UTTAR PRADESH STATE ROAD TRANSPORT CORPORATION (UPSRTC) (APPELLANT)
DEFENDANT/RESPONDENT	ANIL NARAIN SAXENA (RESPONDENT)
JUDGES	JUSTICE CHANDRA DHARI SINGH

INTRODUCTION

This case pertains to the Section 173 of the Motor Vehicles Act, 1988 which provides people with the right to appeal to the High Court within 90 days of the decision from the Motor Accident Claims Tribunal (MACT). This case arose due to a dispute where the UPSRTC challenged the decision of a tribunal that its driver was liable for a road accident, arguing that the truck driver was liable for driving on the wrong side. The judgement was delivered on 22 August 2024, by Single Judge Bench of the Delhi High Court comprising of Justice Chandra Dhari Singh. This case revolves around a collision which occurred between a UPSRTC bus and a truck, but the MATC held the UPSRTC driver liable for the accident. The court examined the liability in a motor vehicle accident and appeal against the findings of a tribunal.

FACTS OF THE CASE

1. This case involves the appellant, Uttar Pradesh State Road Transport Corporation (UPSRTC) and the respondent Anil Narain Saxena and others, who were the claimants of the deceased Smt. Radha, who died in the fatal collision.
2. On 3rd October 2009, Smt. Radha was travelling from Delhi to Dayapur Joya in a U.P Roadways bus, which was owned by the appellant, along with her son, brother-in-law, and her minor daughter.
3. The bus collided with a truck, coming from the direction of Moradabad, on Delhi-Garh National Highway.
4. Following the collision, Master Rahul Saxena, the son of Smt. Radha, and Sh. Deepak Narain Saxena, the brother of Smt. Radha, died on the spot. While Smt. Radha and her baby daughter Amisha Saxena sustained heavy injuries. They were rushed by the public to the Meerut Government Hospital, where Smt. Radha was declared “brought dead”.
5. The claimants, i.e., the daughter and husband of the deceased, filed a claim petition in the Motor Accidents Claim Tribunal (MATC) under Section 166/140 of the Motor Vehicles Act, 1988, wherein, the tribunal passed a judgement in favor of the claimants and awarded them with a compensation.
6. The tribunal found UPSRTC’s bus driver solely negligent for the fatal collision between the bus and the truck. The UPSRTC disagreed with the findings of the Tribunal as it argued that the truck driver was at fault for the fatal accident as he driving on the wrong side. This lead to the present appeal before the Delhi High Court on 22nd August, 2024.

ISSUES OF THE CASE

The Court examined the following issues in the present case-:

1. Whether the Motor Accidents Claims Tribunal (MATC) was mistaken in holding the UPSRTC bus driver solely liable for rash driving and negligence causing the collision?
2. Whether the Tribunal made an error in calculation of compensations and making standard deductions?
3. Whether the Tribunal’s grant of 9% interest per annum on the compensation amount was excessive under Section 34 of the Code of Civil Procedure?

JUDGEMENT

The Court laid down the following judgement after analysing the relevant precedents and statutes-:

1. The High Court ruled that the Tribunal did not take into account the fact that the truck driver was driving on the wrong side of the road which caused the collision.
2. The High Court also overturned the findings of the Tribunal based on the evidence on record that the UPSRTC driver was solely responsible for the accident
3. The Tribunal calculated the monthly income of the deceased as Rs. 3,953/-, based on the minimum monthly wages. The High Court upheld the application of Minimum Wages Act, 1948 in this case for calculating the loss.
4. The Tribunal made an error while deducting amount for personal expenses and maintenance, since the deceased was survived by two dependents. The High Court referred to the Supreme Court judgement in Kirti v. Oriental Insurance Company Limited (AIR 2021 SC 353) to fix a deduction 1/3rd of income towards personal expenses.
5. The learned Tribunal granted a 25% increase in income of the deceased for future prospects. The High Court confirmed the findings of the tribunal, recognising the contribution of a homemaker.
6. The High Court found that the compensation awarded by the Tribunal was excessive. The decision of the Hon'ble Supreme Court in the case of National Insurance Co. Ltd. v. Pranay Sethi (2017 16 SCC 680) termed excessive compensation as "against the law".
7. The interest granted by the Tribunal on the compensation award, i.e. 9% per annum, was argued to be against the Section 34 of the Code of Civil Procedure, 1908, as the rate of interest as fixed by the nationalized banks should not be more than 6%. But the court upheld the interest rate as it was fixed, keeping in mind the motive of providing relief to the family of the victim rather than strictly following the fixed interest rates of the bank for commercial purposes.
8. The High Court allowed the appeal partly and modified the compensation. The Court also examined the extra power exercised by the Tribunal by awarding the claimant with compensation for "loss of love and affection". The Court held that compensation for non-existing head is not within the jurisdiction of the Tribunal.

REASONING

1. In the following case, the testimony of eye-witness PW-4, another passenger on the bus, was considered significantly important by the Court. The eye-witness denied the fault of the truck driver in the collision. Instead, he confirmed that the bus driver's rash driving and negligence caused the accident.
2. The bus driver denied the claims of rash driving and negligence during cross-examination. But he did not provide any evidence to support his claims.
3. The High Court called the appeal by the UPSRTC as "gross misuse of process of law" as the decision of the tribunal was based on all the evidence placed before it, and therefore its findings were based on the examination of evidences and witnesses, which led to the order of the tribunal.
4. The husband of the deceased testified in the court that his wife was a graduate. However, he did not provide any evidence to support the educational claims of the deceased. This has compelled the court to consider the deceased as a housewife only and take the minimum wages for unskilled into calculation for awarding compensation. consider the deceased as a housewife and take only the minimum wages of unskilled labourers.
5. The court found the evidence or witnesses provided by the appellant as indecisive since it did not help prove their case. On the other hand, the witnesses and evidences of the claimant were substantive.
6. The court found that the claims have succeeded in proving their case. The court also agreed with the reasoning provided by the tribunal in its decision of the case that the driver of the bus was driving rashly and negligently.
7. While the respondents argued that since the deceased was not employed anywhere and was not working for profit, her income should not be counted while determining the amount of the compensation. But the court recognised the significant role played by a housewife and also acknowledged it.

CONCLUSION

In conclusion, the Delhi High Court judgement in the case recognises homemaker as an integral part of any family and the loss of a homemaker is a significant emotional loss, which should be compensated fairly. The judgement also confirms the application of the minimum wages act for calculating the salary of a homemaker. Through this judgement, the legal system

recognizes the invaluable contribution of a housewife. The Delhi High Court diverted itself from the traditional view of the statute by avoiding a 9% interest rate on the compensation amount. The court also fixed some mathematical errors made by the learner tribunal while assessing the compensation amount in the case. The bus driver was held hundred percent liable for the accident. This decision of liability was confirmed by the testimony of the witness. The Delhi Court's compassionate understanding in this case prioritized the welfare of the victims and their family.

REFERENCES

1. *Uttar Pradesh State Road Transport ... v. Anil Narain Saxena & Anr.*, Delhi High Court, Order, MAC.APP. 1045/2013 (22 Aug. 2024), <https://indiankanoon.org/doc/106323383/>

