



**Core Competence Conference on Knowledge, Skill and Perspective
Development
for
Presiding Officers of Motor Accident Claim Tribunal (POMACT), Senior
Police Officers of Delhi**

27th and 28th November 2020

***Venue: Delhi Judicial Academy, Dwarka, Sector - 14,
New Delhi – 110078
India***

INDEX

A. RELEVANT STATUTES REFERRED

S. No.	Title
1.	Code of Criminal Procedure, 1973
2.	Indian Evidence Act, 1872
3.	Indian Penal Code, 1860
4.	Motor Vehicles Act, 1988
5.	Motor Vehicles (Amendment) Act, 2019

B. RULES/PRINCIPLES

S. No.	Title
1.	Central Motor Vehicles (First Amendment) Rules, 2018
2.	Motor Vehicles (Driving) Regulations, 2017
3.	Central Motor Vehicles Rules, 1989
4.	Delhi Motor Vehicles Rules, 2008
5.	Delhi Motor Vehicles Rules, 1993
6.	Delhi MACT Rules, 2008

C. LAW COMMISSION REPORTS

S. No.	Title	Source
1.	Law Commission Report No. 234, Report on Legal Reforms to Combat Road Accidents-Legal Reforms to Combat Road Accidents	http://lawcommissionofindia.nic.in/reports/report234.pdf
2.	Law Commission Report No. 149 on Removing Certain Deficiencies in the Motor Vehicles Act, 1988	http://lawcommissionofindia.nic.in/101-169/Report149.pdf
3.	Law Commission Report No. 106 on Section 103A, MV Act, 1939	http://lawcommissionofindia.nic.in/101-169/Report106.pdf
4.	Law Commission Report No. 119 on Access to Exclusive Forum for Victims (February, 1987)	http://lawcommissionofindia.nic.in/101-169/Report119.pdf

5.	Law Commission Report No. 85 on Claims for Compensation under Ch. 8 of the MV Act, 1989 (Year-1980)	http://lawcommissionofindia.nic.in/51-100/Report85.pdf
----	---	---

D. CASE LAWS

Session-I: Overview of the program

Sr. No.	Title	Citation
➤	Concept of negligence	
(a)	Standard proof of negligence	
	Supreme Court	
1.	<i>Sunita and Ors v RSRTC and Ors</i> (¶¶ 20)	AIR 2019 SC 994
2.	<i>Parmeshwari v Amir Chand and Ors</i> (¶¶ 12)	AIR 2011 SC 1504
3.	<i>Bimla Devi and Ors v Himachal Road Transport Corporation</i> (¶¶ 15)	AIR 2009 SC 2819
4.	<i>Oriental Insurance Co Ltd v Meena Viryal and Anr</i>	(2007) 5 SCC 428
5.	<i>Minu B Mehta and Anr v Balkrishna Ramchandra and Anr</i>	(1977) 2 SCC 441
6.		
	Other High Courts	
1.	<i>Saroja Devi and Ors v Vijay Kumar Gupta and Ors</i> (¶¶ 17-24)	2019 (3) ADJ 161 (Allahabad HC)
2.	<i>Manjula Devi and Ors v Commercial Motors and Ors</i> (¶¶ 16-21)	2007 2 AWC 2050 All
(b)	Res Ipsa Loquitur	
	Supreme Court	
1.	<i>Pushpabai Purshottam Udeshi and Ors v Ranjit Ginning and Pressing Co</i> (¶¶ 6)	AIR 1977 SC 1735
2.	<i>Shyam Sunder and Ors v State of Rajasthan</i> (¶¶ 1-25)	AIR 1974 SC 890
3.	<i>Kumari Rachna v HPRTC and Ors</i>	AIR 1991 HP 73
(c)	Contributory Negligence	
	Supreme Court	
1.	<i>Kumari Kiran v. Sajjan Singh</i> (¶¶ 11, 12, 14, 15)	(2015) 1 SCC 539
2.	<i>APSRTC AND Ors v Hemalata</i>	AIR 2008 SC 2851

3.	<i>UPSRTC v Rajanani and Ors</i>	2007 (4) ADJ 381
	Other High Courts	
4.	<i>Oriental Insurance Comp Ltd v Rani and Ors</i> (¶¶ 20)	2019 3 AWC 2838 All
5.	<i>New India Assurance Co Ltd v Rajendra Kumar Soncheti and Ors</i> (¶¶ 10)	2019 (1) PLJR 887 (Patna HC)
6.		
	Other High Courts	
1.	<i>Kumari Rachna v HRTC and Ors</i> (¶¶ 20-31)	AIR 1991 HP 73
2.	<i>Khenyei v New India Assurance Ltd and Ors</i>	AIR 2015 SC 2261
3.		
(d)	Composite Negligence	
	Supreme Court	
1.	<i>Pawan Kumar and Ors v Harkishan Dass Mohan Lal and Ors</i> (¶¶1-9)	(2014) 3 SCC 590
	Other High Courts	
1.	<i>UPSRTC v Rajani and Ors</i> (¶¶23-35)	2007 2 AWC 1867 All

Session-II: General Principles of Compensation

Sr. No.	Title	Citation
➤	Computation of Compensation	
(a)	Injury and fatal cases	
	Supreme Court	
	<i>Erudhaya Priya v. State Express Transport Corporation Ltd.</i>	Civil Appeal No. 2811-2812 OF 2020 dated 27.07.2020
1.	<i>Jabbar v. The Maharashtra State Road Transport Corporation</i>	Civil Appeal N0. 8556/2019 dated 13.11.2019
2.	<i>Ramla and Others v. National Insurance Corporation Limited and Others</i> (¶¶6)	AIR 2019 SC 404
3.	<i>Vimla Devi and Others v. National Insurance Company Limited and Others</i> (¶¶ 16, 19)	(2019) 2 SCC 186
4.	<i>National Insurance Company Limited v. Pranay Sethi and Others</i>	(2017) 16 SCC 680

	(¶¶ 2-34, 39-52, 56-61)	
	High Court of Delhi	
1.	<i>Chetan Malhotra v. Lala Ram</i> (¶¶ 30-41, 44-51, 55-58, 64-73)	2016 SCC Online Del 2981
2.	<i>Rajesh Tyagi and Others v. Jaibir Singh and Others</i> (¶¶ 8-10, 13, 14, 18, 19)	(2009) ILR 8 Delhi 234
(b)	Pecuniary and Non pecuniary Losses	
	Supreme Court	
1.	<i>Rekha Jain v National Insurance Company Ltd and Ors</i> (¶¶14-40)	AIR 2013 SC 3429
2.	<i>Mallikarjun v. Divisional Manager, The National Insurance Company Limited and Others</i> (¶¶ 8-11)	2013 ACJ 2445 SC
3.	<i>RD Hattangadi v Pest Control India Pvt Ltd and Ors</i> (¶¶1-6)	AIR 1995 SC 755
	High Court of Delhi	
1.	<i>Charanjeet Singh v. Mahavir Singh and Others</i> (¶¶ 13-15)	2014 ACJ 1481 Del

Session-III: Determination of compensation in accident cases

Sr. No.	Title	Citation
➤	In case of injury	
(a)	Permanent Disability	
	Supreme Court	
1.	<i>Rajan v Soly Sebastian and Ors</i> (¶¶15-19)	2015 (10) SCC 506
2.	<i>Govind Yadav v. The National India Corporation Limited</i> (¶¶ 10-15, 18-20)	2012 (1) CTC 437
3.	<i>Raj Kumar v Ajay Kumar and Ors</i> (¶¶4-22)	(2011) 1 SCC 343
4.	<i>Yadava Kumar v Divisional Manager NIC Ltd and Ors</i> (¶¶9-10)	AIR 2010 SC 3741
5.	<i>Divisional Controller KSRTC v Mahadeva Shetty and Ors</i> (¶¶9-18)	AIR 2003 SC 4172
(b)	Functional Disability	
	Supreme Court	
1.	<i>Sri Anthony Alias Anthony Swamy v. The Managing Director, K.S.R.T.C</i> (¶¶9)	Civil Appeal No. 2551/2020dated 10.06.2020
2.	<i>MR Krishna Murthy v New India Assurance Co Ltd</i>	2019 (4) SCALE 362
3.	<i>Syed Sadiq and Ors v Divisional Manager United_India Insurance Company</i>	(2014) 2 SCC 735
4.	<i>Rekha Jain v National Insurance Company Ltd and Ors</i> (¶¶14-40)	AIR 2013 SC 3429

5.	<i>National Insurance Co Ltd v Mubasir Ahmed and Ors</i> (¶¶8)	AIR 2007 SC 1208
➤	In case of death	
(a)	Self Employed	
	Supreme Court	
1.	<i>Rajesh and Ors v Rajbir Singh and Ors</i>	(2013) 9 SCC 54
2.	<i>Santosh Devi v National Insurance Co Ltd and Ors</i> (¶¶14)	AIR 2012 SC 2185
3.	<i>General Manager KSRTC v Susamma Thomas and Ors</i> (¶¶19)	AIR 1994 SC 1631
(b)	Children	
	Supreme Court	
1.	<i>The New India Assurance Company Limited v. Somwati and others</i>	CIVIL APPEAL NO.3093 OF 2020 dated 07.09.2020
	High Court of Delhi	
1.	<i>Prakash and Others v. Arun Kumar Saini and Others</i> (¶¶ 13-16)	2010 (167) DLT 311
	Other High Courts	
1.	<i>Amati Hymavathi and Ors v Nissankararao Srikrishnamurthy and Ors</i>	AIR1998AP345
(c)	Housewife	
	Supreme Court	
1.	<i>Rajesh and Ors v Rajbir Singh and Ors</i> (¶¶20)	(2013) 9 SCC 54
2.	<i>Arun Kumar Agrawal and Ors v National Insurance Co and Ors</i> (¶¶54-60)	AIR 2010 SC 3426
	High Court of Delhi	
1.	<i>ICICI Lombard General Insurance Company Limited v. Ganesh Ji Singh and Others</i> (¶ 7)	MAC. APP. 887/2011 Dated 17/9/2012
	Other High Courts	
1.	<i>Girdharbhai and Ors v Rakeshbhai Gopalbhai Khanpara and Ors</i> (¶¶9-13)	2012GLH(2)246
2.	<i>Shushank and Ors v Ram Karan and Ors</i> (¶¶5-9)	2006AC J779 (HP HC)
➤	Calculation of Financial Dependency	
	Supreme Court	
	<i>Renu Rani Shrivastava & Anr. V. New India Assurance Company Ltd. & Ors.</i>	Civil Appeal No. 8246-8247/2019 dated 23.10.2019

1.	<i>Reshma Kumari and Others v. Madan Mohan and Others</i> (¶¶ 12, 13, 17, 33)	(2013) 9 SCC 65
2.	<i>Leela Gupta and Others v. State of UP and Others</i> (¶ 4)	(2010) 12 SCC 37
3.	<i>United India Insurance Company Limited and Others v. Patricia Jeans Mahajan and Others</i> (¶¶ 10-14)	(2002) 6 SCC 281
	High Court of Delhi	
1.	<i>Oriental Insurance Company Limited v. Phulo Devi and Others</i> (¶ 2)	185011) DLT 1
2.	<i>DTC v. Neelam Deshwar and Others</i> (¶¶ 11, 15, 19)	(2009) ILR 2 NULL 694
	Other High Courts	
1.	<i>Thomas George P and Others v. O. Santha and Others</i> (¶¶ 7, 9)	(2016) 3 KLT 853
2.	<i>A. Manavalagan v. A. Krishnamurthy and Others</i> (¶ 16)	2004 (5) Kar LJ 321

Sessions-IV& V: Issues of trial and procedure

Sr. No.	Title	Citation
(a)	Jurisdiction	
	Supreme Court	
1.	<i>Malati Sardar v. National Insurance Company Limited and Others</i> (¶¶ 9-14)	AIR 2016 SC 247
(b)	Interim Compensation	
	Other High Courts	
1.	<i>New India Assurance Co Ltd v S Transport Pvt Ltd</i> (¶¶1-3)	2002 (II) OLR 710
2.	<i>Oriental Insurance Co Ltd v Sarju Ram and Ors</i> (¶¶19)	AIR 2001 Pat 47
3.	<i>Divisional Manager National Insurance Co Ltd v Raj Kishore Jetty and Ors</i> (¶¶8-10)	1999 ACJ 858 (Orissa HC)
4.	<i>Munshiram D Anand v PPA Society Jamnagar</i> (¶¶1-5)	AIR 1997 Guj 60
5.	<i>National Insurance Co Ltd and Ors v Usha Debi and Ors</i> (¶¶13-14)	II (1993) ACC 80 (Gauhati HC)
(c)	Statutory Defenses available for Insurance Companies	
	Supreme Court	
1.	<i>Shivawwa and Others v. The Branch Manager, National Insurance Company Limited and Others</i> (¶¶ 11)	AIR 2018 SC 1640
2.	<i>Josephine James v. United India Insurance Company Limited and Others</i> (¶¶ 6, 18)	(2013) 16 SCC 711

3.	<i>United India Insurance Company Limited v. Shila Datta and Others</i> (¶¶ 3, 6-8, 10, 13, 14, 16, 21)	AIR 2012 SC 86
4.	<i>National Insurance Co Ltd v Laxmi Narain Dhut</i>	(2007) 3 SCC 700
5.	<i>National Insurance Co Ltd v Swaran Singh and Ors</i>	(2004) 3 SCC 297
6.	<i>Sohan Lal Passi v P Sesh Reddy and Ors</i> (¶¶ 12)	AIR 1996 SC 2627
	High Court of Delhi	
1.	<i>Sheela Rani and Others v. National Insurance Company Limited and Others</i> (¶¶ 13-16)	2017 ACJ 843
2.	<i>Oriental Insurance Company Limited v. Sangeeta Devi and Others</i> (¶¶ 5, 10-12)	2017 ACJ 224
3.	<i>Oriental Insurance Co. Limited and Others v. Rakesh Kumar and Others</i> (¶¶ 1, 4, 14, 17, 21-23, 32-34, 41, 43, 70)	2012 ACJ 1268
4.	<i>ICICI Lombard General Insurance Company Limited v. Ganesh Ji Singh and Others</i> (¶ 7)	MAC. App. 887/2011 Dated 17/9/2012
	Other High Courts	
1.	<i>New India Assurance Co. Limited v. Kalabhai Maganbhai Koli and Others</i> (¶¶ 5, 19, 29, 32, 37)	2016 GLH (1) 68
2.	<i>The New India Assurance Company Limited v. Korrapolu Danaiah and Others</i> (¶¶ 10, 11)	2016 (3) ALD 452
3.	<i>The Oriental Insurance Co. Limited v. K.C. Subramanyam</i> (¶¶ 9, 10, 14, 22, 23, 25, 26, 29, 41, 44, 49, 53, 55, 60, 62, 63, 68-79, 81, 87, 90, 99-101)	MFA No. 2596/2007 (MV) Dated 12/7/2012
4.	<i>Giriraj Prasad Agarwal and Others v. Parwati Devi and Others and Kali Paharin and Others</i> (¶¶ 16-18, 22-25, 27, 29, 31, 32)	2005 ACJ 1626
(d)	Fake License/ Without license	
	Supreme Court	
1.	<i>National Insurance Company Ltd v Annappa Irappa Nesaria and Ors</i> (¶¶20)	AIR 2008 SC 1418
2.	<i>New Indian Assurance Co Ltd v Roshanben Rahemanshsa Fakir</i> (¶¶ 6-15)	AIR 2008 SCC 2266
3.	<i>National Insurance Co Ltd v Kusum Rai and Ors</i> (¶¶10-16)	AIR 2006 SC 3440
4.	<i>National Insurance Co Ltd v Swaran Singh and Ors</i> (¶¶47-48)	AIR 2004 SC 1531
5.	<i>United India Insurance Co. Limited v. Leheru and Others</i> (¶¶ 9-20)	2003 ACJ 611 SC
6.	<i>New India Assurance Co Ltd v Asha Rani and Ors</i> (¶¶1-31)	AIR 2003 SC 607
7.	<i>New India Assurance Co Shimla v Kamla and Ors</i> (¶¶21-23)	AIR 2001 SC 1419

8.	<i>Ashok Gangadhar Maratha v Oriental Insurance Co Ltd</i> (¶¶14)	AIR 1999 SC 3181
(e)	Future Prospects	
	Supreme Court	
1.	<i>Ved Prakash Goel @ Ved Goel & Anr. v. S.D. Singh & Anr.</i>	Civil Appeal No. 2831/ 020 dated 01.08.2020
2.	<i>Rekha Jain v National Insurance Company Ltd and Ors</i> (¶¶14-40)	AIR 2013 SC 3429
3.	<i>Mohan Soni v. Ram Avtar Tomar and Others</i> (¶¶ 8, 9)	(2012) 2 SCC 267
3.	<i>Sarla Verma v Delhi Transport Corporation</i>	2009 (6) SCC 121
	High Court of Delhi	
1.	<i>Meenu Tognatta v. National Insurance Company Limited and Others</i> (¶¶ 9-13)	2012 SCC Online Del 2241
(f)	Entitlement of Compensation	
	Supreme Court	
1.	<i>Reliance General Insurance Co Ltd v Shashi Sharma and Ors</i> (¶¶20-23)	(2016) 9 SCC 627
2.	<i>Vimal Kanwar and Ors v Kishore Dan and Ors</i> (¶¶20)	(2013) 7 SCC 476
3.	<i>Manjuri Bera v Oriental Insurance Company Ltd and Ors</i> (¶¶1-18)	(2007) 10 SCC 643
4.	<i>United India Insurance Co Ltd and Ors v Patricia Jean Mahajan and Ors</i> (¶¶36)	(2002) 6 SCC 281
5.	<i>Helen C Rebello and Ors v MSRTC</i> (¶¶35)	(1999) 1 SCC 90
	Other High Courts	
1.	<i>Cholan Roadways Corporation Ltd v Pavunraj and Ors</i> (¶¶1-20)	2000 ACJ 616 (Madras HC)
2.	<i>Babu v Kacharu and Ors</i> (¶¶1-8)	2000 ACJ 559 (MP HC)

Session-VI: Victim Compensation & Awards

Sr. No.	Title	Citation
➤	Salient Features	

	Supreme Court	
1.	<i>Jai Prakash v. National Insurance Company Limited and Others</i> (¶¶ 2-5, 13, 17, 24-26)	(2010) 2 SCC 607
2.	<i>Deepal Girishbhai Soni v. United India Insurance Company Limited, Baroda</i> (¶¶ 18-22, 24-30, 32, 33, 36-39, 41-58, 60-63, 65-68)	AIR 2004 SC 2107
	Decrees for Awards	
	Other High Court	
1.	<i>M/s. Cholamandalam MS Genl Ins Co Ltd v. Ayyannar S</i>	Tr. CMP. Nos. 264 to 281/2020 dated 12.05.2020 (Madras HC)

Session-VII: Directions given by High Court of Delhi and Supreme Court

Sr. No.	Title	Citation
	Supreme Court	
1.	<i>MR Krishna Murthy v New India Assurance Co Ltd</i>	2019 (4) SCALE 362
2.	<i>Jai Prakash v National Insurance Company</i>	SLP (C) No. 11801-11804/2005 Dated 6/11/2017 Dated 13/5/2016 Dated 17/12/2009
	High Court of Delhi	
1.	<i>Rajesh Tyagi v Jaibir Singh</i>	2019 ACJ 1245
2.	<i>Rajesh Tyagi v Ramesh Chandra Gupta</i>	I(2015) ACC 764 (Del)
3.	<i>Ved Parkash Kharbanda v Vimal Bindal</i>	198 (2013) DLT 555
4.	<i>Mayur Arora v Amit and Ors</i>	2011 (1) TAC 878
5.	<i>Raj Kumar v Ajay Kumar and Ors</i>	(2011) 1 SCC 343
6.	<i>New India Assurance Co Ltd v Kashmiri Lal and Ors</i>	(2005) 125 DLT 571