

2026:PHHC:098210



**269 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-3234-2002

Date of Decision: 13.07.2026

RAM SINGH

....Appellant

Versus

PARMOD KUMAR AND ORS

...Respondents

FAO-3233-2002

MAYA RAM

....Appellant

Versus

NIRMAL SINGH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant (in both appeals).

Mr. Pradeep Kumar, Advocate &
Mr. Neeraj Khanna, Advocate for
Mr. Ram Avtar, Advocate
for respondent No.3-Insurance company (in both appeals)

PARMOD GOYAL, J. (ORAL)

Present appeals have been preferred by unsuccessful injured appellants-claimants being aggrieved by award dated 28.03.2002 passed by learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as '**Tribunal**'), as their claim petitions seeking compensation for injuries suffered in accident dated 14.07.1998 were dismissed by learned Tribunal.

2. Learned Tribunal had concluded that since the appellants-claimants have failed to prove rash and negligent driving on the part of

maruti car bearing No.DL-4C-7570 (hereinafter referred to as '**offending vehicle**') being driven by respondent driver, therefore, appellants-claimants have failed to prove involvement of offending vehicle and are not entitled to any compensation.

3. Both the injured appellants-claimants in their respective claim petitions had asserted that on 14.07.1998, appellants-claimants had boarded the mula cart (rehra) of Ram Singh-appellant-claimant and were going towards Ambala Cantt. to sell their wheat husk at about 9:30 or 10:00 AM, when they reached in the area of village Shahpur opposite turning of village Ghasitpur, offending vehicle being driven at high speed, rashly and negligently came from the back side and had hit the cart resulting into multiple injuries including fractures to the appellants-claimants and death of mule. It was pleaded that thereafter, they were shifted to hospital where they had received treatment. Hence, compensation was sought from owner-driver as well as insurance company of offending vehicle.

4. In present case, it is not disputed that immediately after the occurrence on 14.07.1998, on the statement of appellant-claimant-Maya Ram, FIR No.193 dated 22.07.1998 was recorded under Section 279, 337, 427 IPC on the basis of DDR No.30 dated 14.07.1998. DDR No.30 dated 14.07.1998 was lodged on the date of accident itself and subsequently FIR was registered on 22.07.1998. The copy of FIR was duly placed on record as Ex.P4.

5. Perusal of FIR Ex.P-4 goes to show that make of vehicle, vehicle number as well as name of respondent No.1 being its driver were duly mentioned in the FIR. It was specifically stated that accident had

occurred on account of rash and negligent driving of offending vehicle being driven by Parmod Kumar-respondent-driver. It is also not in doubt that pursuant to registration of FIR, matter was investigated and after due investigation, respondent driver was challaned and had faced trial for causing accident dated 14.07.1998 due to his rash and negligent driving.

6. Learned Tribunal by taking in consideration the judgment of acquittal in the criminal trial whereby, Parmod Kumar-respondent was acquitted from the charges of causing injuries and damage on account of his rash and negligent driving concluded that appellants-claimants have failed to prove involvement of offending vehicle in the accident. Perusal of findings of learned Tribunal in fact goes to show that learned Tribunal has mostly relied upon the acquittal of respondent No.1 by criminal Court to be the sole basis to reject evidence of injured appellants-claimants, who had duly appeared in the witness box.

7. Learned Tribunal has erred in taking judgment of criminal Court into consideration to conclude that respondent No.1 was not rash and negligent in driving the vehicle and causing the accident. Acquittal of respondent in a criminal trial cannot be taken into consideration in a motor accident claims case unless other facts raising doubt over accident are available on the record of learned Tribunal. The findings in a criminal trial are generally based upon the different standard of proof i.e. to prove case beyond reasonable doubt. It has got limited corroborative value and cannot be taken as binding finding. In a criminal trial, in order to succeed and secure conviction of accused, not only the fact that accident was caused by rash and negligent driving of the offending vehicle is to be proved but

identity of driver also needs to be proved beyond reasonable doubt and in case of any doubt, the benefit always goes to accused. Whereas in a motor accident claims case, the standard of proof is preponderance of probabilities and identity of the driver at the time of accident is not required to be proved. The only requirement is to prove rashness and negligence of the offending vehicle which had caused accident on the touchstone of standard of proof of preponderance of probabilities. Identity of accused/respondent driver is not mandatory in a claims case.

8. Therefore, the learned Tribunal has erred in solely relying upon acquittal of respondent No.1 in criminal case. Learned Tribunal was required to appreciate the evidence led by the parties before it independently without getting influenced by the findings of criminal Court. In the present case, as noted above at the time of lodging of FIR, vehicle number as well as name of driver was duly mentioned by the author of FIR i.e. injured appellant-claimant-Maya Ram. Both the injured appellants-claimants have duly appeared before learned Tribunal and have stated that they were hit and injured by offending vehicle. Mere non-disclosure of number especially when the same was mentioned in claim petitions as well as FIR would not make their testimony liable to be rejected.

9. It is worth mentioning that while appearing as PW-3, Maya Ram had specifically stated that offending vehicle i.e. Maruti Car was driven by its driver Parmod Kumar-respondent and due to his rash and negligent driving, he had suffered grievous injuries. He had specifically stated in his cross-examination that name of driver was also disclosed by him to the police at Sidarth Hospital, Shahbad. He denied the suggestion that accident

was not caused by respondent-driver. Similarly, Ram Singh while appearing as PW-4 had also stated that the accident was caused by offending maruti car driven by Parmod Kumar-respondent and had denied suggestion that accident was not caused by him. Therefore, mere omission to disclose registration number of offending vehicle which is otherwise identifiable by fact that it was driven by respondent-driver as was stated by both the witnesses (PW-3 and PW-4) along with the fact that in FIR as well as in criminal trial, the vehicle number was clearly mentioned being a maruti car would not make their testimonies liable to be rejected. On the standard of proof of preponderance of probabilities, if the evidence of PW-3 and PW-4 is appreciated in the light of fact that FIR was lodged promptly and it is respondent No.1 who has faced the trial for causing the accident, learned Tribunal has erred in concluding that appellants-claimants have failed to prove involvement of offending vehicle. Rather from evidence of PW-3 and PW-4, identity of vehicle as well as rash and negligent driving on the part of its driver is clearly established.

10. The findings of learned Tribunal on issue No.1 are accordingly, set aside. Issue No.1 is decided in favour of appellants-claimants. It is held that accident dated 14.07.1998 had occurred on account of rash and negligent driving of respondent No.1 while driving offending Maruti car bearing No. DL-4C-7570.

FAO No. 3233 of 2002

11. In the present case, the injured appellant-claimant asserted that he sustained multiple injuries in the accident which had occurred on 14.07.1998. The injuries included fractures and injuries to his right arm,

right leg, and hip. He was initially treated at the Civil Hospital, Ambala, and was thereafter shifted to M/s K.D. Hospital, Ambala Cantt., where his right leg was immobilized in a plaster cast on account of the fracture.

12. The claimant further pleaded that he remained under treatment for approximately 90 days and continued to attend the hospital as an outdoor patient (OPD). In support of his claim, he produced the OPD card (Ex. P-5) and payment receipts (Exs. P-6 to P-8), which were duly proved on record.

13. To establish the nature of the injuries, the claimant examined Dr. Shashi Tripathi as PW-1, who had deposed regarding the injuries sustained by the claimant in the accident. The claimant also relied upon the testimony of Dr. P.K. Nigam, who appeared as PW-5 and proved the disability certificate (Ex. P-9). The said certificate, issued by the Medical Board of which he was a member, certified that the claimant had suffered 20% permanent disability as a consequence of the injuries sustained in the accident.

14. The claimant had produced receipts showing expenses of only ₹100/-. However, considering the nature of injuries, period of treatment, medical treatment undergone and permanent disability to the extent of 20%, it is evident that the claimant must have incurred expenses beyond the amount proved through receipts and must have spent some amount on transportation, special diet and attendant charges. Therefore, an amount of ₹15,000/- is awarded towards medical expenses, transportation, special diet and attendant charges.

15. Claimant has successfully established that he suffered multiple injuries, fractures and permanent disability to the extent of 20%, and

remained admitted in hospital. Considering the resultant pain and suffering, the amount of ₹10,000/- awarded by the learned Tribunal is inadequate and is accordingly enhanced to ₹40,000/-.

16. The claimant proved through the testimony of PW-5 and disability certificate Ex. P-9 that he had suffered permanent disability to the extent of 20% due to the fractures sustained in the accident. Such permanent disability would adversely affect his future prospects and amenities of life. Accordingly, an amount of ₹40,000/- is awarded towards loss of future prospects and loss of future amenities of life.

17. Although the claimant asserted that he was running a dairy and earning ₹10,000/- to ₹15,000/- per month, however, no cogent or reliable evidence was produced to establish his income or vocation. In the absence of such evidence, his income is assessed on the basis of minimum wages payable to a casual labourer in year 1998, i.e., ₹2,400/- per month.

18. Considering the nature of work performed by the claimant, the functional disability is assessed equivalent to the permanent disability, i.e., 20%. As the claimant was aged between 46 to 50 years, addition of 25% towards future prospects and multiplier of 13 are applicable for calculating the loss of future earning capacity.

19. The claimant had suffered multiple injuries, fractures and permanent disability. Considering the nature of injuries and the period required for recovery, it can reasonably be presumed that the claimant would not have been able to resume his work for a period of four months. Accordingly, he is entitled to compensation of ₹9,600/- ($₹2,400 \times 4$) towards loss of income during the treatment period.

20. Accordingly, compensation payable to injured-appellant is redetermined as under:

Income	Rs.2,400/- per month	Rs.2,400/- per month
Permanent Disability	20% of Rs.2,400/-	Rs.480/-
Future Prospects	25% (480+120)	Rs.600
Multiplier	13	13
Loss of earning capacity	Rs.600x12x13	Rs.93,600/-
Medical Expenses, transportation, special diet and attendant expenses	Rs.10,000/- (as assessed by the tribunal)	Rs.15,000/-
Pain and Sufferings	Rs.10,000/- (as assessed by the tribunal)	Rs.40,000/-
Loss of income during treatment	Rs. 2,400 x 4	Rs. 9,600/-
Loss of future prospects and future amenities of life		Rs. 40,000/-
Total compensation payable		Rs.1,98,200/-

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21. Injured appellant-claimant Ram Singh had asserted that he had suffered injuries on his head, right arm and chest in the accident dated 14.07.1998. He was initially taken to the Civil Hospital, Ambala, and thereafter shifted to Siddharth Hospital, Shahbad, where he remained admitted for a period of three days, i.e. from 14.07.1998 to 17.07.1998.

22. To prove the nature of injuries, the claimant examined Dr. Shashi Tripathi as PW-1, who had medico-legally examined the claimant.

While appearing before the Court, the doctor deposed that the claimant had complained of generalized pain all over his body; however, no external injury was found on examination.

23. In order to prove the expenditure incurred on medical treatment, the injured appellant-claimant produced medical bills (Exs. P-10 to P-15), which were placed on record. However, no evidence was led by the claimant to establish any permanent disability arising out of the injuries sustained in the accident.

24. The claimant had also sought compensation on account of damage caused to his cart as well as the death of his mule in the accident. From the medical bills produced on record, it is established that the claimant had incurred an amount of approximately ₹13,500/- towards his medical treatment. Considering the nature of injuries and the treatment undergone by the claimant, it can reasonably be presumed that he must have also incurred expenses towards transportation, special diet and attendant charges. Accordingly, an amount of ₹20,000/- is awarded towards medical expenses, transportation charges, special diet and attendant expenses etc.

25. Considering the nature of injuries suffered by the claimant and the period of hospitalization, it can reasonably be inferred that the claimant must have undergone considerable pain and suffering. Keeping in view the nature of injuries, medical treatment undergone and the period of hospitalization, an amount of ₹20,000/- is awarded towards pain and suffering.

26. Considering the nature of injuries suffered by the claimant, it can reasonably be presumed that he must have remained confined to bed and

unable to perform his work for at least two months. In the absence of any cogent evidence regarding his vocation and income, his income is assessed on the basis of minimum wages i.e. Rs.2,400/- applicable to a casual labourer in year 1998. Accordingly, the appellant-claimant is awarded an amount of ₹4,800/- (Rs.2,400/- x 2 months) towards loss of income during the period of treatment.

27. The appellant-claimant had also sought compensation on account of damage to the cart. However, learned Tribunal has rightly noted that no evidence in this regard was produced by the appellant-claimant on record regarding quantum of loss. The only fact which stands proved is that the cart was damaged in the accident. However, the extent of damage and the amount of loss suffered by injured-appellant-claimant have neither been shown nor proved. Accordingly, the compensation of Rs. 3,000/- awarded by learned Tribunal under this head does not warrant any further enhancement.

28. The appellant-claimant has also sought compensation on account of the death of the mule. Reliance has been placed upon Ex.P-6/1, vide which the claimant had purchased the mule for Rs. 35,000/-. PW Ram Kumar, had appeared to support the case of the claimant regarding the purchase of the mule vide Ex.PW-6/1, however, could not state the age of the mule or provide any other relevant particulars regarding the same. No post-mortem report or any other evidence regarding the death of the mule was placed on record. In these circumstances, the only fact established on record is that the mule had suffered injuries in the accident; however, the death of mule on account of accident could not be proved. Accordingly, considering the injuries suffered by the mule, compensation of Rs.7,500/- is

awarded under this head.

29. Accordingly, compensation payable to injured-appellant is as follows:-

Medical expenses, special diet, attendant charges, transportation charges	Rs.13,500/- (Rs.6,500/-, Rs.2,100/-, Rs.2,400/-, Rs.2,500/-) as assessed by Tribunal	Rs.20,000/-
Pain and sufferings	Rs.12,000/- as assessed by Tribunal	Rs.20,000/-
Damage to cart		Rs.3,000/-
Injuries to mule		Rs.7,500/-
Loss of income during treatment	Rs. 2,400 x 2	Rs. 4,800/-
Total compensation payable		Rs.55,300/-

30. Appellants-claimants in both the appeals shall be entitled to compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Respondents shall be liable to pay the compensation jointly and severally.

31. Appeals are accordingly allowed.

32. Pending application(s), if any, is/are disposed of accordingly.

33. Photocopy of this order be placed on the file of connected case.

(PARMOD GOYAL)
JUDGE

13.07.2026
Ravinder/Manoj

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No