



2026:AHC:211986

Reserved on 7.7.2026
Delivered on 9.10.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD
FIRST APPEAL FROM ORDER No. - 1382 of 2014

Smt. Jai Suri Devi And 3 Ors.

.....Appellant(s)

Versus

The Oriental Insurance Co. Ltd. And Another

.....Respondent(s)

Counsel for Appellant(s)	:	Neerja Singh, Sharve Singh
Counsel for Respondent(s)	:	Arvind Kumar

Court No. - 54

HON'BLE ANIL KUMAR-X, J.

1. This appeal, at the instance of the claimants, challenges the judgment dated 8.1.2014 passed by the Motor Accident Claims Tribunal, Bareilly (hereinafter referred to as the "Tribunal") in M.A.C.P. No.692 of 2008 (Smt. Jai Suri Devi and Ors. vs. The Oriental Insurance Co. Ltd. and Anr.), whereby the claim petition filed by the appellant-claimants was dismissed.

Facts of the Appeal

2. The case of the appellants, in brief, is that on 30.06.2008 at about 8:30 a.m., Naresh Chandra was travelling in Tata Safari No. UP-62K/3131. When the said vehicle reached Jaunpur-Lucknow Road near Village Katu Nala, within the limits of Police Station Musafirkhana, District Sultanpur, Truck No. UP-44T/0017, being driven rashly and negligently, came from the opposite direction and collided with the Tata Safari. In the said accident, Naresh Chandra, who was travelling in the Tata Safari,

sustained serious injuries and died in the hospital after a few hours. The driver and other occupants of the Tata Safari also sustained grievous injuries. The appellants examined two eye-witnesses, P.W.-2 Gulammuddin and P.W.-4 Abdul Qadir, before the learned Tribunal. However, the learned Tribunal found their testimony wholly unreliable and, accordingly, dismissed the claim petition.

Arguments on behalf of Appellants

3. Shri Sharve Singh, learned Senior Advocate assisted by Ms. Neerja Singh, learned counsel for appellant, submitted that learned Tribunal has taken a hyper-technical view of the matter and has wrongly disbelieved the testimony of both the eye-witnesses. Both P.W.-2 Gulammuddin and P.W.-4 Abdul Qadir established their presence at the place of occurrence and clearly stated the date, time and place of the accident. No evidence to the contrary was produced by the respondents.

4. It was submitted that Issue No.2 relating to contributory negligence was framed on the basis of the pleadings of the respondents, which itself shows that the occurrence of the accident was not disputed. The learned Tribunal has committed gross illegality in discarding the testimony of one eye-witness on the basis of the statement of the other eye-witness. The testimony of a witness may be tested with reference to his earlier statement or other legally admissible material, but one witness cannot be contradicted merely by relying upon the testimony of another witness.

5. It was further submitted that even if negligence on the part of the driver of the offending vehicle was not found proved, the claimants were still entitled to compensation if the accident and involvement of the vehicle were established in accordance with law. The FIR was lodged in respect

of the accident and, after investigation, charge-sheet was also submitted against the driver of the offending vehicle. Thus, the learned Tribunal has erred in dismissing the claim petition.

Arguments on behalf of respondent-Insurance Company

6. Per contra, Shri Arvind Kumar, learned counsel for the respondents, submits that both the alleged eye-witnesses were wholly unreliable and the learned Tribunal has rightly discarded their testimony. It was submitted that P.W.-2 Gulammuddin stated that he had reached the spot in his Tata Sumo while coming from Bareilly and proceeding towards Lucknow. However, when his knowledge regarding the route between Bareilly and Lucknow was tested, he gave a confused and incorrect version. He stated that after Bareilly he proceeded towards Shahjahanpur, thereafter Sitapur and then Lucknow. He further stated that Jaunpur comes before Lucknow. Thus, he was even unable to properly state the route on which he claimed to have been travelling. Though he claimed himself to be the driver of the Tata Sumo, when asked to produce his driving licence, he refused to do so. His presence at the place of occurrence, therefore, becomes doubtful.

7. Similarly, testimony of P.W.-4 Abdul Qadir is also not worthy of reliance. He admitted that he did not know the deceased prior to the accident and that he came into contact with the son of the deceased on the same day on which his testimony was recorded before the learned Tribunal. His appearance as an eye-witness, therefore, appears to have been introduced subsequently and his testimony cannot be relied upon without independent corroboration. It was also pointed out that P.W.-4 stated the name of his father as Abdul Jameel before the learned Tribunal,

whereas his father's name was recorded as A.Y. Khan in his driving licence. This material discrepancy further affects his credibility. Thus, both the alleged eye-witnesses were rightly disbelieved by the learned Tribunal and there is no ground for interference with the impugned award.

Conclusion

8. I have considered the submissions advanced by learned counsel for the parties and perused the record as well as the findings recorded by the learned Tribunal.

9. The principal question which arises for consideration is whether the learned Tribunal was justified in disbelieving P.W.-2 Gulammuddin and P.W.-4 Abdul Qadir, who were produced as eye-witnesses by the claimants.

10. Having considered their testimony, this Court finds that the view taken by the learned Tribunal cannot be said to be hyper-technical. P.W.-2 claimed that he was travelling from Bareilly towards Lucknow in his Tata Sumo and had witnessed the accident. However, while explaining the route on which he was travelling, he gave a confused and incorrect version. He stated that after Bareilly he proceeded towards Shahjahanpur, thereafter Sitapur and then Lucknow and further stated that Jaunpur comes before Lucknow. His inability to properly explain the route on which he claimed to have been travelling, coupled with his refusal to produce his driving licence despite claiming himself to be the driver of the Tata Sumo, creates serious doubt about his presence at the spot.

11. The testimony of P.W.-4 Abdul Qadir also does not inspire confidence. He admittedly did not know the deceased prior to the

accident. More importantly, he admitted that he came into contact with the son of the deceased on the very same day on which his testimony was recorded before the learned Tribunal. His statement regarding his presence as an eye-witness, therefore, requires careful scrutiny. The discrepancy regarding his father's name, namely, Abdul Jameel as stated before the Tribunal, whereas the name of his father was recorded as A.Y. Khan in his driving licence, further weakens his credibility.

12. Thus, the testimony of both the alleged eye-witnesses suffers from material infirmities and the learned Tribunal has recorded cogent reasons for not placing reliance upon their testimony. The mere fact that Issue No.2 regarding contributory negligence was framed or that an FIR was lodged and charge-sheet was submitted against the driver would not, by itself, establish negligence in a claim proceeding when the alleged eye-witnesses themselves have not been found reliable.

13. The contention of learned counsel for the appellants that one eye-witness cannot be contradicted by the testimony of another witness, therefore, does not advance the case of the appellants. The testimony of each witness has to be examined on its own merits and in the light of the entire evidence available on record. In the present case, the learned Tribunal has not discarded the witnesses merely on account of minor contradictions but has noticed circumstances which go to the root of their claimed presence and credibility.

14. In view of the above, no perversity or illegality is found in the findings recorded by the learned Tribunal. The arguments advanced by learned counsel for the appellants do not call for interference with the impugned award.

15. The appeal is, accordingly, **dismissed**. The findings of the learned Tribunal recorded in the impugned judgment 8.1.2014 passed in M.A.C.P. No.692 of 2008 (Smt. Jai Suri Devi and Ors. vs. The Oriental Insurance Co. Ltd. and Anr.) are, accordingly, upheld.

(Anil Kumar-X,J.)

October 9, 2026
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