



126

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

FAO-1181-2022 (O&M)

Date of decision : 06.08.2025

UNITED INDIA INSURANCE COMPANY LTD

....Appellant

Versus

SHINDER KAUR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Gaurav Gupta, Advocate for the appellant.

Mr. Ashwani Arora, Advocate for respondents No.1 to 3.

PANKAJ JAIN, J. (ORAL)

CM-15191-CII-2025

By way of instant application, the applicant/appellant is seeking preponement of the date of hearing in the main appeal.

Heard.

For the reasons recorded in the application, the same is allowed.

With the consent of counsels for the parties, the matter is taken on Board today itself.

FAO-1181-2022

Challenge is to the award passed by MACT, Moga, dated 09.11.2021 whereby the claim petition filed by the claimants/respondents under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as



‘the 1988 Act’) has been allowed and accepted, awarding them compensation to the tune Rs.13,62,200/- along with interest on account of death of Sandeep Singh @ Seepa @ Sukhdeep Singh in a motor-vehicular accident on 01.03.2018.

2. Counsel for the appellant submits that in order to enure benefit under Section 166 of the 1988 Act, it was incumbent upon the claimants to prove rashness and negligence of the driver of the offending vehicle to be the cause of accident. It has been contended that though FIR No.26 dated 02.03.2018 was registered for offences punishable under Sections 279, 304-A, 337, 338, 427 IPC, at Police Station Dharamkot, against Lakhvir Singh, driver of tractor trolly insured with the appellant, but the same could not be proved in accordance with law as the author thereof was not examined.

3. Per contra, counsel for the claimants submits that not only FIR was registered even report under Section 173 Cr.P.C. was filed. The charges stand framed and Lakhvir Singh is facing trial for being negligent and causing the accident which led to death of Sandeep Singh @ Seepa @ Sukhdeep Singh.

4. Counsel for the appellant is not in position to dispute the fact of Lakhvir Singh facing trial in FIR No.26 dated 02.03.2018 (Exhibit P-7).

5. I have heard counsel for the parties and have carefully gone through records of the case.



6. Claim petition was filed claiming that on 01.03.2018 deceased Sandeep Singh @ Seepa @ Sukhdeep Singh was coming back from Baba Damu Shah, Lohara to his native town Dharamkot. Ramandeep Singh was pillion rider on the motor-cycle driven by Sandeep Singh @ Seepa @ Sukhdeep Singh. They were being followed by Lakhwinder Singh and Tota Singh, who were on separate motor-cycle. Tractor trolly driven by Lakhvir Singh came from wrong side at high speed in a rash and negligent manner. Despite the fact that Sandeep Singh @ Seepa @ Sukhdeep Singh applied brakes, tractor collided with the motor-cycle, which led to death of Sandeep Singh @ Seepa @ Sukhdeep Singh. FIR was registered on the statement made by Lakhwinder Singh, who was following the deceased on motor-cycle.

7. Apart from the FIR and the police report filed after investigation, what weighed with the Tribunal is the conduct of Lakhvir Singh, RW-2. In his examination-in-chief, he denied the factum of accident but in cross-examination admitted the accident and at the same time stated that it was not on account of rash and negligent driving on his part. Tribunal held that the conduct of Lakhvir Singh was enough to disbelieve him. Having admitted the accident, onus lies heavily upon him to prove his innocence or that the accident was result of rash and negligent driving of the deceased. There being no such evidence led by the respondent Lakhvir Singh, Tribunal held Lakhvir Singh responsible for the accident, deciding issue No.1 in favour of the claimants.



8. Trite it is that the standard of proof in MACT cases is ‘preponderance of probabilities’ and not ‘beyond reasonable doubt’.
9. In the present case, there is overwhelming evidence in form of the initial version given in FIR (Exhibit P-7). It is also not disputed that police filed charge-sheet against Lakhvir Singh after investigation. The precise plea raised by the claimants that tractor trolly was being driven on wrong side has gone unrebutted. In the absence of any evidence to the contrary Tribunal rightly decided issued of negligence.
10. In view thereof, this Court finds that no exception can be taken to the finding recorded by the Tribunal on Issue No.1.
11. No other point has been argued.
12. Resultantly, finding no merit in the instant appeal, the same is ordered to be dismissed.

August 06, 2025
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No