



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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FAO-1710-2025(O&M)
Date of decision: 19.08.2025

Magma General Insurance Company Limited

...Appellant(s)

Vs.

Gurbhag Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajbir Singh, Advocate
Mr. Akshay Sharma, Advocate
for the appellant.

NIDHI GUPTA, J.

Present appeal has been filed by the Insurance Company seeking setting aside of Award dated 10.01.2025 passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the learned Tribunal') in MACT Case No.52 dated 13.03.2024 filed under Section 166 of the Motor Vehicles Act, 1988, whereby Claim Petition filed by the injured-claimant/respondent No.1 herein, has been allowed and the claimant has been awarded compensation of Rs.1,83,700/-.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the claimant had suffered injuries in the motor vehicular accident that took place on 22.01.2024, due to the rash and negligent driving of motorcycle bearing registration No.PB-12-AH-9017 (hereinafter "the



offending vehicle”) by respondent No.2. The offending vehicle was owned by respondent No.3 and insured by the appellant.

3. Learned counsel for the appellant-Insurance Company assails the impugned Award by submitting that the compensation has been awarded to the claimant merely on the basis of statement of claimant himself as PW1, and on the basis of FIR (Ex.P2) and Final Report (Ex.P11); and not on the basis of any evidence on record. Moreover, the learned Tribunal failed to appreciate that PW1/claimant who got injured in the alleged accident had himself admitted that he had lost control of his two-wheeler due to the fog and had sustained head injury. The claimant himself in his Claim Petition has averred that at the time of accident, he was taken to Civil Hospital, Sri Anandpur Sahib from where he was shifted to Fortis Hospital, Mohali where he was treated and discharged on 26.01.2024. It is submitted that in the Discharge Summary (Ex.P4) of the claimant, tendered by the claimant himself before the learned Tribunal, it is mentioned as under:-

“Patient presented to the FHM with complaints of head injury at 08.00 P.M. on 22.01.2024 when patient allegedly lost control of his two wheeler in fog” with bruise over left as well as right eye with periorbital oedema Lacerated wound + abrasion present over scalp, clotted blood in B/L nostrils. No H/a- LOC seizure, vomiting, nausea, patient was taken to a local hospital in Anandpur where local management was done. Patient is now admitted to FHM for further management.”



4. It is submitted that therefore, Discharge Summary of the claimant mentions that Gurbhag Singh/ claimant himself had lost control of his two-wheeler in fog, resulting in causing the accident in question. It is contended that therefore claimant is not entitled to compensation. Moreover, the claim petition and deposition given by the claimant before the Ld. Tribunal mention otherwise. Therefore, there is a contradiction in the true facts of the alleged accident; and the offending motorcycle is falsely implanted to gain unlawfully from the appellant-Insurance Company.

5. Furthermore, the Ld. Tribunal failed to appreciate that from the averments of FIR (Ex.P2), itself the accident had taken place near poultry farm and was also witnessed by Harvinder Singh, however, the said eyewitness who was not struck with the alleged offending vehicle has not come before the Ld. Tribunal to prove the alleged accident. Further, it is also claimed that Mohan Singh, brother of Gurbhag Singh, brought his car at the spot of the alleged accident to take claimant and Sohan Singh to the hospital, however, Mohan Singh has also not deposed before the Ld. Tribunal to prove the alleged accident. It is contended that accordingly, in view of the admitted fact that the accident was caused by the claimant himself as he admittedly lost control of his two-wheeler, the claimant could not have been held entitled to compensation. The Ld. Tribunal failed to appreciate the fact that a simpliciter case or per chance accident without any fault of the alleged offending vehicle was portrayed as an accident due to rash and negligent



driving of the driver of the alleged offending vehicle. The Ld. Tribunal further lost its sight over the fact that the alleged accident has taken place on 22.01.2024 whereas FIR was lodged on 23.01.2024, moreover, the name of the driver of the alleged offending vehicle was introduced much after the lodging of FIR whereas respondent No.1-claimant who is also the narrator of the FIR stated that at the time of alleged accident the driver of the offending vehicle fell down on kachha rasta and claimant as well as Harvinder Singh had ample amount of time to procure the whereabouts of the driver of the alleged offending vehicle which shows that the accident did not take place due to the motorcycle but claimant himself fell from his two-wheeler due to fog. As such, the evidence procured during the investigation by the Police cannot be relied upon as the same was just procured in order to get the compensation from the appellant-Insurance Company. Hence, the impugned Award is liable to be set aside. It is lastly submitted that even the amounts awarded under the various heads by the learned Tribunal are exorbitant. It is accordingly prayed that the present appeal be accepted and the impugned Award dated 10.01.2025 be set aside in the interest of justice.

6. No other argument is made on behalf of the appellant.
7. I have heard learned counsel and perused the case file in detail.
8. Perusal of record of the case shows that the pleaded case of the claimant as noted in Para 2 of the impugned Award, is as follows: -

“2. The case of the claimant is that on 22.01.2024, claimant/injured Gurbhag Singh and his brother Sohan Singh



since deceased were returning to their house at village Bela Ramgarh, Patti Tek Singh from their fields after finishing the work. When they reached near Poultry Farm, they met Harvinder Singh of their village and they were talking with Harvinder Singh. It was at about 7.40 pm, in the meanwhile from the side of village Jindwari, a Motor cycle bearing registration No.PB-12-AH-9017 driven by its driver i.e. respondent no.1 rashly and negligently came and struck the same with Sohan Singh and then with Gurbhag Singh. Due to the said impact, Sohan Singh fell down on the road and received multiple grievous injuries on the head and other parts of the body. He was taken to Civil Hospital, Anandpur Sahib where the concerned doctors declared him brought dead. Gurbhag Singh also received multiple grievous injuries on his head, facial bone and other parts of the body. He was firstly taken to Civil Hospital, Sri Anandpur Sahib from where he was shifted to Fortis Hospital, Mohali where he was treated upon and was discharged on 26.01.2024. Claimant/injured Gurbhag Singh made statement to the police on the basis of that FIR No.10 dated 23.01.2024, under Sections 279, 337, 304-A of the Indian Penal Code was registered at Police Station Nangal. The accident had taken place due to rash and negligent driving of driver of the motorcycle in question.

The claimant submitted that he was 44 years of age at the time of accident. He was doing agriculture and dairy farming. He was earning Rs.50,000/- per month. Due to the injuries sustained by the claimant in the accident, he has suffered mentally, physically and financially. He has become permanent disabled. He had spent a sum of Rs.3,00,000/- on his treatment till filing of claim petition and he is still under treatment. The claimant has prayed for grant of compensation of Rs.50,00,000/- along with interest



@ 12% per annum from the date of accident till realization of compensation amount."

9. The above-said injuries suffered by the claimant were proved from the Discharge Summary (Ex.P3 and Ex.P4) as per which the claimant had suffered head injury with bruise over left as well as right eye with periorbital oedema, lacerated wound + abrasion present over scalp, clotted blood in B/L nostrils. From the said Discharge Summary, it was further established that the claimant remained admitted in Fortis Hospital, Sector 62, Phase-VIII, Mohali from 22.01.2024 to 26.01.2024. The claimant as PW1 had further testified that he had become permanently disabled and that he was still under treatment. The claimant had also produced medical bills (Ex.P6 to Ex.P10) for a total amount of Rs.1,38,679/-. During cross-examination of the claimant, the appellant had raised no dispute regarding the correctness and genuineness of the said medical bills (Ex.P6 to Ex.P10). Accordingly, the learned Tribunal had awarded sum of Rs.1,38,679/- towards medical expenses rounded off to Rs.1,38,700/-. Keeping in view the nature of injuries suffered by the claimant as also the period of hospitalisation from 22.01.2024 to 26.01.2024 and the mental stress, etc., the learned Tribunal had awarded less than reasonable amount of only Rs.20,000/- for pain and suffering; Rs.10,000/- for special diet; only Rs.5,000/- towards attendant charges; and Rs.10,000/- for transportation charges; thereby granting total compensation of Rs.1,83,700/-, in the following manner:-



Medical bills	Rs.1,38,700/-
Pain and suffering	Rs.20,000/-
Special diet	Rs.10,000/-
Attendant charges	Rs.5,000/-
Transportation charges	Rs.10,000/-
Total	Rs.1,83,700/-

10. It is to be noted that proceedings before the learned Tribunal are to be conducted on the preponderance of probabilities and not in the stringent manner of strict proof like a criminal trial. It is not denied by learned counsel for the appellant that claimant had registered FIR No.10 dated 23.01.2024 (Ex.P2), which is the first version of the accident, wherein he has duly mentioned the number of the offending vehicle as PB-12-AH-9017. Admittedly, criminal case is pending against respondent No.2. As such, in face of the above facts and evidence, entire weightage cannot be given to the Discharge Summary dated 26.01.2024 (Ex.P4).

11. In view of the above, present appeal is **dismissed**.

12. Pending application(s) if any also stand(s) disposed of.

19.08.2025
Sunena

(Nidhi Gupta)
Judge

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