



FAO No. 3981 of 2001(O&M)

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

(218)

FAO No. 3981 of 2001(O&M)

Reserved on : 08.12.2025

Pronounced on : 10.12.2025

Uploaded on: 10.12.2025

United India Insurance Company Limited**...Appellant****Versus****Harjeet Kaur Rekhi And Another****...Respondent****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Neeraj Khanna, Advocate for
for the appellant.

VIRINDER AGGARWAL, J.

1. This appeal has been filed by the appellant(Insurance Company) against the award dated 20.08.2001 passed by the learned Motor Accident Claims Tribunal, Chandigarh, whereby compensation has been awarded in favour of the claimant on account of the injuries suffered in motor vehicle accident.

BACKGROUND FACTS

2. On 01.09.1997, Harjeet Kaur Rekhi, aged about 66 years, was travelling with her husband, Kulwant Singh Rekhi, in Car No. (DDD-7309), on their way from Railway Station/Vikas Colony to Doctors Colony, Patiala. Upon reaching near the statue of Mahatma Gandhi on Mall Road, Patiala, a vehicle approaching from the opposite direction with full lights, while overtaking another vehicle at high speed, allegedly compelled respondent No. 2 who was



driving the car to suddenly swerve towards the left. Owing to his rash and negligent manner of driving, the vehicle went out of control and collided with the pedestrian pathway. The claimant sustained several injuries in the accident, including a fracture of the right shoulder and swelling on the right wrist and knee, and was promptly removed to the hospital of Dr. N. D. Aggarwal at Patiala for medical treatment. Consequently, The claimant instituted a petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation to the tune of ₹3,00,000/-.

3. The learned Tribunal, upon examining the pleadings and evidence, held that the accident occurred due to the rash and negligent driving of Car No. (DDD-7309) by respondent No. 2, Kulwant Singh, on the basis of the consistent testimonies of the claimant (PW-1) and her husband (RW-1). The objection of the insurer regarding non-registration of an FIR was rejected, the learned Tribunal observing that non-reporting of the accident to the police could not, by itself, discredit the ocular version of the witnesses. With respect to injuries, the learned Tribunal noted that the claimant had suffered fracture of the right shoulder, swelling on the right wrist and knee, and was assessed with 20% permanent disability of the right upper limb as per the disability certificate (Ex. P-1) issued by the Civil Surgeon, Ropar. The learned Tribunal further held that the claimant had incurred expenditure on treatment, transportation, physiotherapy and special diet, and had also suffered loss of amenities of life. On the issue of liability, the learned Tribunal relied on the driving licence (Ex. R-3) and concluded that respondent No. 2 was holding a valid and effective driving licence at the time of the accident; consequently, the insurer failed to



establish any breach of policy conditions. Accordingly, the learned Tribunal directed the owner, driver and the Insurance Company to pay the compensation jointly and severally, computing a total sum of ₹87,400/- with interest @ 9% per annum.

CONTENTIONS

4. Learned counsel for the appellant (Insurance Company) contended that the impugned award suffers from patent illegality and is liable to be set aside. It was urged that the learned Tribunal erred in fastening liability upon the insurer despite the clear plea that the claim petition was collusive, the claimant and the driver being husband and wife, and the accident having been fabricated with a view to extract money from the insurer. Further, learned counsel argued that the claimant had neither reported the alleged accident to the police nor produced any medicolegal report, and no independent witness was examined to corroborate her version, making the entire claim doubtful. Further, it was submitted that the learned Tribunal wrongly relied upon the self-serving statements of the claimant and her husband, even though she failed to produce any medical bills or examine the doctors who allegedly treated her.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. Having examined the record and considered the rival submissions, this Court finds that the claimant has failed to establish the occurrence of the accident, the rash and negligent act of respondent No. 2, or the injuries



allegedly suffered, through legally admissible and reliable evidence. In the first place, the learned Tribunal relied solely on the testimonies of the claimant (PW-1) and her husband (RW-1), who was himself the driver-cum-owner of the vehicle. Their testimonies, being inherently interested, required corroboration from independent sources. However, no other independent witness was examined to substantiate the claimant's narration of the accident. Significantly, although the claimant alleged a serious road accident, neither any F.I.R or DDR was lodged nor any contemporaneous complaint made to any authority, thereby casting serious doubt on whether the accident, in the manner pleaded, ever occurred. The claimant herself admitted that respondent No. 2 was driving the vehicle rashly and negligently, yet no external evidence supports either the manner of driving or the involvement of the vehicle.

7. Equally, this Court finds that the claimant has completely failed to prove the injuries allegedly suffered by her. No Medico-Legal Report, X-ray, prescription slip, hospital record or medical bill has been placed on record, or any certificate from Dr. N.D. Aggarwal, even though the claimant asserted that she was taken to Dr. N.D Aggarwal's hospital where a plaster was applied on her right shoulder. Significantly, not a single doctor was examined to verify either the nature of the injuries or the treatment claimed to have been administered. Though the claim petition itself refers to a disability of 37.5%, no oral or documentary evidence has been adduced to substantiate such a plea. The only document relied upon is the disability certificate (Ex. P-1) issued by the Civil Surgeon, Ropar assessing 20% disability of the right upper limb.

However, the certificate does not indicate that the disability was a sequel to the



accident in question. In the absence of any supporting medical material, this document cannot form a safe foundation for awarding compensation. Consequently, the findings of the learned Tribunal cannot be sustained.

8. It is well settled that in a claim under Section 166 of the Motor Vehicles Act, the burden lies upon the claimants to establish by cogent evidence the factum of accident and rash or negligent driving of the offending vehicle. In **Oriental Insurance Co. Ltd. v. Meena Variyal & Ors. (2007) 5 SCC 428** and **Surender Kumar Arora v. Dr. Manoj Bisla, 2012 (4) SCC 552**, it was held that the claimant must establish, by cogent evidence, the factum of accident, negligence, and involvement of the vehicle. Therefore, this Court concludes that the very occurrence of the accident has not been established, nor have the injuries, disability or any medical expenditure been proved through reliable evidence.

9. Moreover, this Court is mindful that the Motor Vehicles Act is a beneficial piece of legislation intended to secure just compensation to victims of road accidents. However, the beneficent object of the statute does not permit a claimant to take undue advantage of its remedial nature. Even in claims under a welfare-oriented enactment, the foundational facts of the accident, negligence and injury must be proved by trustworthy and cogent evidence. A benevolent statute cannot become a shield for unfounded or unsupported claims, nor can sympathy be allowed to supplant proof. In the absence of reliable and independent material establishing the occurrence of the accident, the alleged rash and negligent act, and the injuries asserted, this Court cannot sustain an award founded merely on conjecture or uncorroborated assertions. The rule of



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law requires that every claim, however compassionately viewed, must still meet the basic threshold of legal proof. Now considering the fact that no FIR or DDR of accident was lodged, no MLR regarding claimant having suffered accidental injury was issued. No medical record of hospital showing her admission and treatment with regard to accident injury has been proved. No independent witness having witnessed the accident has come forth. In such circumstance the case of respondent/claimant rest upon suspicious ground and grant of compensation vide award of tribunal is not sustainable.

10. Accordingly, the appeal is **allowed**.

11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

10.12.2025
Saurav Pathania

- (i) Whether speaking/reasoned : Yes/No
- (ii) Whether reportable : Yes/No