



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

128+134

**FAO-3106-2025 (O&M)
Date of decision: 20.08.2025**

IFFCO TOKIO GENERAL INSURANCE CO LTD

...Appellant

Versus

SUKHVINDER RANI AND OTHERS

...Respondents

FAO-3350-2025 (O&M)

IFFCO TOKIO GENERAL INSURANCE CO LTD

...Appellant

Versus

RAKESH ALIAS VICKY AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Sachin Ohri, Advocate
for the appellant(s).

HARPREET KAUR JEEWAN, J.

1. By this common order, this Court shall decide the above-mentioned two appeals.
2. The appeal bearing No.FAO-3106-2025 has been filed by the Insurance company against the order dated 31.01.2025 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri, whereby a claim petition

filed on behalf of the respondents No.1 to 4 was allowed and an Award of Rs.20,12,458/- was passed in favour of respondents No.1 to 4 regarding death of Vikramjeet. The driver of the tractor trolley bearing No.HR71-G-5602 make Arjun 555, owner of the offending tractor and the appellant-Insurance company were jointly and severally held liable to pay the said compensation amount within a period of 60 days failing which, interest @ 7.5% per annum was also awarded.

3. The appeal bearing No.FAO-3350-2025 has also been filed by the Insurance company assailing the same Award, which was passed in favour of the injured-Rakesh @ Vicky whereby he was awarded a compensation of Rs.32,270/- on account of injuries suffered by him in the said accident.

4. Facts are taken from FAO-3106-2025. As per the brief facts of the case, on 19.01.2021, Rakesh @ Vicky (injured) along with his friend Vikramjeet (since deceased), were going to Village Bhagu Majra on a motorcycle bearing registration No. HR02AE-8240, which was being driven by Vikramjeet. At approximately 09:30–10:00 AM, when they reached near Pyara Chowk in the area of Village Topra Kalan, a tractor trolley bearing registration No. HR71-G-5602, make Arjun 555, loaded with sugarcane, came from the side of Kheri Lakha Singh. The said vehicle was being driven in a rash and negligent manner by Satbir Singh-respondent No.5.

4.1. The tractor trolley hit the motorcycle, as a result of which the driver of the motorcycle, Vikramjeet, was crushed under it, while Rakesh @ Vicky, the pillion rider, also sustained multiple and grievous injuries. Both were shifted to the Civil Hospital, Yamuna Nagar, where Vikramjeet was declared dead and Rakesh @ Vicky was shifted to Gaba hospital. Subsequently, on the basis of the



statement of the deceased's father, an FIR bearing No. 09 dated 19.01.2021 under Sections 279, 337, and 304-A IPC was registered at Police Station Radaur against the driver of the offending tractor.

4.2. Satbir Singh-respondent No.5-driver of the tractor trolley, Surjeet Singh-respondent No.6-owner of the offending tractor and the appellant-Insurance company contested the claim petition. A joint written statement was filed on behalf of the respondents-Satbir Singh (driver) and Surjeet Singh (owner) and a separate written statement was also filed on behalf of the appellant-Insurance company. Issues were framed. Both the parties led their respective evidence. After hearing learned counsel for the parties and perusing the evidence, the Tribunal awarded the compensation to the Legal Representatives of the deceased-Vikramjeet as well as to the injured-Rakesh @ Vicky.

4.3. The Insurance company has challenged the said Award by way of filing the aforesaid respective appeals.

5. Learned counsel for the appellant(s) submits that PW-4, ASI Jasbir Singh, appeared on behalf of the claimants and admitted that Rakesh @ Vicky (injured), who was the pillion rider on the motorcycle, had never disclosed the registration number of the offending tractor to the police, either prior to 29.01.2021 or thereafter. It is further contended that the accident occurred on 19.01.2021, and the registration number of the tractor is not mentioned in the FIR.

6. Learned counsel for the appellant(s) further contends that in view of the statement of ASI Jasbir Singh-PW-4 (Annexure A-2), the involvement of the tractor in question is not proved on record. The claimants have made a false claim just to grab the compensation from the Insurance company and there is a

connivance *inter se* the claimants and the owner of the said tractor

7. I have considered the aforesaid submissions and perused the paper-book.

8. The death of Vikramjeet and the fact that the respondent-Rakesh @ Vicky sustained multiple injuries on his body in a road side accident is not disputed.

9. As per the version of the injured, Rakesh @ Vicky, he sustained multiple grievous injuries and fractures on his leg. He was initially shifted to Gaba Hospital, where he was operated. He also received further treatment at M.M. Mullana. He was the pillion rider of the motorcycle and is an injured eye-witness to the accident. He appeared as PW-2 and was cross-examined at length. His oral testimony stands corroborated by the documentary evidence on record.

10. The copy of his Medico Legal Report has been proved as Exhibits P-11 and P-12. The Postmortem Report of the deceased has been proved as Exhibit P-13. Initially, an FIR (Exhibit P-10) was registered; subsequently, upon investigation, a final report under Section 173 Cr.P.C. was presented before the Trial Court against the driver of the tractor-trolley, Satbir Singh. The copy of the said report has been proved as Exhibit P-14. The discharge summary of the injured witness has been proved as Exhibit P-1, and his medical bills have been proved as Exhibits P-2 to P-6.

11. The objection raised by the Insurance Company, that PW-4 ASI Jasbir Singh stated that there was no witness statement disclosing the registration number of the offending tractor-trolley, cannot be treated as a sufficient ground to discard the entire evidence on record. It is not disputed that the FIR was registered



without delay, based on the statement of Maya Ram, who is father of the deceased. The injured eye-witness-Rakesh @ Vicky had the first priority to get his medical treatment, as such, in case his statement was not recorded on the same day cannot be taken as a ground to doubt the version of the claimants. The injured witness when appeared as PW-2, he had disclosed the registration number of the offending tractor. Furthermore, the FIR itself mentions that the accident involved a tractor, and it even specifies the make of the tractor-trolley.

12. The police conducted a spot investigation and, having found substantial evidence against the driver of the tractor, presented a final report under Section 173 Cr.P.C. before the Court, pursuant to which the driver, Satbir Singh, faced trial. Although the driver initially contested the case by filing a written statement, he failed to step into the witness box to contradict the evidence led by the claimants. As such, the Tribunal has rightly drawn adverse inference against them while believing the evidence of the claimants.

13. Merely on the ground that registration number of the tractor was not mentioned, the entire un rebutted evidence of the claimants cannot be discarded.

14. The Tribunal has rightly appreciated the evidence on record while concluding that the driver-Satbir Singh was rash and negligent in driving the tractor, which resulted in the death of Vikramjeet and injuries sustained to Rakesh @ Vicky.

15. Learned counsel for the Insurance company has not raised any objection regarding the calculation of the compensation by the Tribunal and has not disputed the quantum of compensation awarded to the Legal Representatives of the deceased and the injured.



16. In view of the above discussion, the present appeals are devoid of merits.

17. Consequently, both the appeals stand dismissed.

18. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20.08.2025
P.Bhatt

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