



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

223

FAO-2913-2006 (O&M)

Date of Decision: April 04, 2025

Satya Devi and another

.....Appellant(s)

Vs.

Subhash Singh and others

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for the appellants

Mr. Ranjit Kumar Jain, Advocate and
Ms. Anchal Jain, Advocate for
Mr. K.S. Chahal, Advocate
for the respondents

SUDEEPTI SHARMA J. (ORAL)

The present appeal has been filed by the appellants/Satya Devi (owner) and Kuldeep Singh (driver) against the Award dated 01.03.2006 passed in the claim petition under Section 166 of the Motor Accident Claims Tribunal, Sangrur (for short, 'the Tribunal'), wherein the claimants were held entitled for compensation to the tune of Rs.2,08,000/-.

FACTS NOT IN DISPUTE

2. The brief facts of the case as mentioned in the claim petition are that on 30.5.2004, Krishna Devi @ Daljit Kaur was going from village Darola to village Baghrol with her husband on scooter bearing registration No.PCQ-1343. The scooter was hit by a truck bearing registration No.PAT-9335 which was being driven rashly and negligently by its driver-Kuldeep Singh, who was



respondent No.1. The head of Krishna Devi was crushed and she died at the spot.

3. Upon notice of the claim petition, appellants appeared and contested the claim petition by filing written reply denying the factum of compensation/accident

4. From the pleadings of the parties, the Tribunal framed the following issues:-

- “1. Whether Krishna Devi alias Daljit Kaur died in motor vehicle accident due to rash and negligent driving of truck No.PAT-9335 by respondent No.1 Kuldeep Singh on 30.5.2004? OPP*
- 2. Whether respondent No.1 was not holding a valid driving licence at the time of accident? OPR-3*
- 3. Whether the claimants are entitled to compensation, if so to what amount and from whom? OPP*
- 4. Relief.”*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants. Further, the Ld. tribunal has held the appellants (owner and driver) and respondent No.3 (Insurance Company) jointly and severally to pay the compensation. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES

6. Learned counsel for the appellants contends that the Ld. Tribunal has erred in granting compensation to the claimants. He further contends that neither the name of the driver nor the number of the offending vehicle was mentioned in the FIR, therefore, he prays that the present appeal be allowed and the award passed by the Ld. Tribunal be set aside.



7. *Per contra* learned counsel for the respondents contends that the award has rightly been passed. Therefore, he prays for dismissal of the present appeal.

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

9. The relevant portion of the award is reproduced as under:-

“Issue No.1

9. *In support of this issue, Subhash Singh claimant appeared in the witness box as PW 1 and filed his affidavit Ex. A1 deposing therein that the accident took place due to negligence of truck no. PAT-9335. That the head of his wife was crushed under the tyres of the said truck, who died at the spot.*

10. *On the other hand, respondents have examined Shivjit Singh RW-1, Mohinder Kumar RW-2, D.S. Chadha RW-4 and Kuldeep Singh respondent No.1 appeared in the witness box as RW-3.*

Kuldeep Singh RW-3 has stated that he was a driver on truck No. PAT-9335 on 30.5.2004. On the day, the rice was to be transported from Samana to Patiala. His empty truck was weighed at 11-41 a.m. and it was again weighed after loading at 2-13 p.m. He immediately left for Patiala and truck No.8295 was ahead of him and truck No.1677 was behind him. That they reached Patiala at 3-30 p.m. and did not see any accident. That he was falsely arrested in a criminal case.

Shivjit Singh RW 1 has stated that truck no.9435 was weighed empty at 11-41 a.m. and was again weighed when loaded at 2-13 p.m. Mohinder Kumar RW 2 has stated that he had a



contract for loading of rice on 30.5.2004. That if the truck had met with an accident, he would have received the information. That the truck in question reached Patiala at 4-30 p.m.

D.S. Chadha RW 4 was appointed by the Insurance Company to conduct the investigation, who submitted report Ex. R6 stating therein that the deceased was carrying a CD player which fell and got entangled with the scooter, as a result of which Krishna Devi fell and suffered injuries. That the accident was not caused by the truck in question.

11. Mr. L.K. Singhal, representing the Insurance Company as well as Mr. H.K. Goyal representing for respondents no.1 and 2 vehemently contended that the deceased was actually carrying a CD player while sitting rear seat of the scooter which slipped and got entangled in the scooter, as a result of which the deceased fell down and suffered injuries. They have further drawn my attention to the statements of Shivjit Singh RW 1 and Mohinder Kumar RW 2 to submit that the truck in question was weighed when loaded at 2-13 p.m. and it reached Patiala at 4-30 p.m. and taking into consideration these facts alongwith the statement of Kuldeep Singh RW 3, it is clear that no accident was caused by respondent no.1.

12. Subhash Singh claimant has deposed in his affidavit Ex. A1 that the accident was caused by truck No.PAT-9335. His statement Ex.D1 was recorded by police on 4.6.2004, wherein he deposed that there was a wind and he could not make out what had happened and came to know on the next day that his wife expired due to accident. He was duly confronted with his previous statement Ex. D1 and he did not give any explanation for not stating the fact that the accident was caused by truck No.PAT-9335 when his statement was recorded by the police. The statement of Subhash Singh alone do not prove that the accident occurred due



to rash and negligent driving of truck No.PAT-9335 driven by respondent no.1.

13. Respondent no.1 while in appearing the witness box as RW 3 admitted that he was the driver of the truck in question on the day of accident. The statements of Shivjit Singh RW 1 and Mohinder Kumar RW 2 further prove that this truck was weighed at 11-41 a.m. and again at 2-13 p.m. when loaded. But Shivjit Singh and Mohinder Kumar were not present at the time of accident.

14. Claimants have placed on record copy of first information report Ex. A 3 wherein it is mentioned that an accident took place, as a result of which Krishna Devi @ Daljit Kaur died and the FIR was recorded at the Instance of one Ram Asra. The number of the truck and the name of the driver is not mentioned therein showing that it was hit and run case, Kuldeep Singh though denied the accident, but admitted that he was challaned by the police for causing the present accident. Thus, Kuldeep Singh has been challaned by the police after investigation for causing the accident in which Krishna Devi @ Daljit Kaur lost life. Thus, taking into consideration that respondent no.1 was challaned for causing the accident, this fact is sufficient to hold in the present proceedings that Krishna Devi @ Daljit Kaur died due to rash and negligent driving of truck no.PAT-9335 by respondent no.1 on 30.5.2004 and no weightage can be given to the self serving statement of Kuldeep Singh respondent no.1, who appeared in the witness box as RW 3. The Report Exbt. R6 & Sh. D.S. Chadha RW 4 is of no help to Resp. No.3.

15. In the result, this issue is decided in favour of the claimants and against the respondents.”



10. A perusal of the impugned award reveals that the learned Tribunal has rightly held that the accident in question occurred due to the rash and negligent driving of Kuldeep Singh, the driver of the offending vehicle (Truck No. PAT-9335).

11. The award further indicates that the accident took place on 30.05.2004 and the FIR (Ex. A-3) was promptly lodged in relation to the said accident. Though the FIR does not disclose about the registration number of the offending vehicle, it is well-settled law that the FIR is not expected to be an exhaustive or conclusive document. Its primary purpose is to set the criminal law into motion, and the absence of certain details therein, such as the vehicle number or name of the driver, is not fatal to the claim, especially when corroborative evidence is available on record.

12. Significantly, the record reveals that after conducting a proper investigation, the police filed a charge sheet against Kuldeep Singh-RW3 (driver of the offending vehicle), who was facing trial for causing the said accident. This further substantiates the claim of the claimant.

13. It is a trite law that in motor accident claims proceedings under the Motor Vehicles Act, once the FIR has been lodged and a charge sheet has been filed against a particular individual, it constitutes *prima facie* evidence of negligence on the part of the accused. The standard of proof in MACT proceedings is not equivalent to that of a criminal trial, and a mere preponderance of probabilities is sufficient to arrive at a finding of negligence. The reliance at this stage can be made to the judgment rendered by the Hon'ble Supreme Court in the case of **Anita Sharma Vs. New India Assurance Co. Ltd. 2021(1) SCC (CrI) 473**, wherein, the Supreme Court has held as under :-



“22. *Equally, we are concerned over the failure of the High Court to be cognizant of the fact that strict principles of evidence and standards of proof like in a criminal trial are inapplicable in MACT claim cases. The standard of proof in such like matters is one of preponderance of probabilities, rather than beyond reasonable doubt. One needs to be mindful that the approach and role of Courts while examining evidence in accident claim cases ought not to be to find fault with non-examination of some best eye-witnesses, as may happen in a criminal trial; but, instead should be only to analyze the material placed on record by the parties to ascertain whether the claimant’s version is more likely than not true. A somewhat similar situation arose in [Dulcinea Fernandes v. Joaquim Xavier Cruz](#) (2013) 10 SCC 646, wherein this Court reiterated that:*

“7. *It would hardly need a mention that the plea of negligence on the part of the first respondent who was driving the pickup van as set up by the claimants was required to be decided by the learned Tribunal on the touchstone of preponderance of probabilities and certainly not on the basis of proof beyond reasonable doubt.*”

14. In the instant case, the learned Tribunal has considered all relevant evidence, including the admission by Kuldeep Singh (RW-3) that he was driving the truck in question on the date of the accident, the statements of other witnesses, and the fact that he was challaned by the police after investigation. The Ld. Tribunal has rightly disregarded the self-serving denial made by Kuldeep Singh – driver in light of the stronger circumstantial and documentary evidence indicating his culpability.

15. In view of the above, this Court finds no infirmity in the reasoning or the conclusion arrived at by the learned Tribunal. The findings are supported



by both the evidence on record and established legal principles. Consequently, the award passed by the Ld. Tribunal does not warrant any interference and is hereby affirmed.

- 16. In view of the above, the present appeal is *dismissed*.
- 17. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

April 04, 2025
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Whether speaking/reasoned:	Speaking
Whether reportable	Yes / No