



FAO-1270-2013

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

224

FAO-1270-2013

Date of decision:14.05.2025

BALJEET SINGH & ORS

...PETITIONERS

VS.

SURESH KUMAR & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Vamika Johar, Advocate &
Ms. Kanchan Sindhu, Advocate for
Mr. Pritam Singh Saini, Advocate
for the appellants.

Mr. Ashish Gupta, Advocate for
Mr. P.C. Gupta, Advocate
for respondents No.1 and 2.

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for respondent No.3-Insurance Company.

SUVIR SEHGAL, J.

1. Aggrieved of award dated 02.06.2012 passed by the Motor Accident Claims Tribunal, Panipat (for short “the Tribunal”), whereby a petition under Section 166 of the Motor Vehicles Act (for short “MV Act”) filed by the appellants/claimants has been dismissed, they have approached this Court by way of instant appeal.



2. By making a reference to the ocular and documentary evidence produced before the Tribunal, counsel for the claimants/appellants has urged that the death of Raj Kumar in a vehicular accident being negligently driven by Suresh Kumar had been established, but Tribunal erred in discarding the evidence and rejecting the claim petition. Counsel asserts that Tribunal has not appreciated the settled legal position and has proceeded on wrong premise while deciding the claim petition.

3. While supporting the award passed by the Tribunal, counsel for the respondents have argued that appellants have neither proved the factum of accident nor the involvement of the offending vehicle.

4. Having heard counsel for the parties and after considering their respective submissions, this Court is of the view that the award passed by the Tribunal deserves to be set aside and the matter has to be remitted back to the Tribunal. In order to establish that death of Raj Kumar occurred in a vehicular accident on 23.11.2010, claimants produced Sahab Singh-PW3, brother of the deceased, who was also the informant of the FIR, Ex.P-1. In his affidavit Ex.PW3/A, he deposed the mode and manner of the accident and deposed that Suresh Kumar, the driver of the offending vehicle bearing HR-40-A-4497 was negligent and reckless while driving. Mere fact that he had given a different vehicle number when his statement was recorded by the police cannot be a ground to disbelieve his testimony. Besides exhibiting the FIR, claimants produced the final report submitted by the Investigating Agency under Section 173 Cr.P.C., Ex.P3, and it was contended that Suresh Kumar was facing criminal trial. Tribunal placed reliance upon the judgment



passed by this Court in **Ram Karan Vs. Zile Singh, 2001 (3) RCR (Civil) 582** to come to the conclusion that the mere registration of an FIR, framing of a charge and the judgment of conviction or acquittal by the criminal Court is not binding on the Tribunal that the onus to prove negligence is on the claimant. However, the finding recorded by the Tribunal is contrary to the legal position settled by the Supreme Court in **Ravi Vs. Badrinarayan and others (2011) 4 SCC 693**. Apex Court has held that lodging of FIR proves the factum of accident, so that a victim is able to lodge a case for compensation. Registration of an FIR is vital in deciding motor accident claims cases and delay, if any, in lodging the same, should not be treated as fatal for such proceedings.

5. In **New India Assurance Company Limited Vs. Meenakshi and others 2021 (4) PLR 719**, a Co-ordinate Bench of this Court came to the conclusion that reliance by the insurance company on **Ram Karan's case (supra)** is misconceived as the finding of a Single Judge of this Court in the said judgment that framing of a criminal charge is not sufficient to prove negligence is contrary to the Supreme Court judgment in **Sunita and others Vs. Rajasthan State Transport Corporation and another (2020) 13 SCC 486**. This Court, therefore, holds that **Ram Karan's case (supra)** does not lay down good law.

6. The findings recorded by the Tribunal are, therefore, clearly contrary to the observations of the Supreme Court and cannot be sustained. As the Tribunal has failed to appreciate the legal position, this Court has no

**FAO-1270-2013****-4-**

option but to set aside the award and remit the matter to the Tribunal for adjudication afresh.

7. For the afore-going reasons, impugned award dated 02.06.2012 passed by the Tribunal is set aside and the matter is remanded to the Tribunal to decide the claim petition afresh.

8. Appeal is disposed off.

9. Parties are directed to appear before the Tribunal on 16.07.2025 at 10:00 A.M. for further proceedings in accordance with law.

10. It is clarified that this Court has not gone into the merits of the claim nor examined the stand taken by the respondents, which shall be examined by the Tribunal in accordance with law, uninfluenced by any observation made hereinabove.

14.05.2025
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No