



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

130

FAO-4436-2025 (O&M)

Date of Decision: July 22, 2025

SBI General Insurance Company

.....Appellant(s)

Vs.

Simarjit Kaur and others

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajneesh Malhotra, Advocate
for the appellant (s).

SUDEEPTI SHARMA J. (ORAL)

1. The present appeal has been filed by the appellant-Insurance company against the Award dated 13.02.2025 passed in the claim petition under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal'), wherein the appellant-Insurance company was fastened with the liability to pay the compensation to the claimant along with interest @ 7.5% per annum.

BRIEF FACTS OF THE CASE

2. The brief facts of the case are that on 04.03.2007, when claimant-Simarjit Kaur alongwith her brother Sukhwinder Singh was waiting for bus at Bus Stand Rayya. While standing on their correct side of the road, a Maruti Swift car came from the side of Amritsar at a very high speed. The respondent No.2 while driving said car in a rash and negligent manner took the car on the wrong side of the road



and hit the claimant. The claimant sustained multiple injuries and her left arm & left leg were fractured. Respondent no.1 fled away from the spot by taking offending vehicle. The claimant remained unconscious for about one and half month and remained under treatment at Sri Guru Ram Dass Hospital, Amritsar. With regard to the occurrence, FIR No. 54/2017 was registered at Police Station Beas. As brother of claimant was mentally disturbed having witnessed the occurrence, he could not disclose the number of the offending vehicle and name of its driver to police.

3. Upon notice of the claim petition, respondents appeared and contested the claim petition denying the factum of compensation.

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

- 1. Whether the claimants are entitled to compensation, if so to what extent?OPP.*
- 2. Whether the petition is not maintainable as alleged? OPR.*
- 3. Relief.*

5. Thereafter, both the the parties led their respective evidence in support of their respective pleadings.

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimant. However, the liability to pay compensation was fastened upon the appellant-Insurance Company.

SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANT

7. Learned counsel for the appellant–insurance company contends that issue No.1 has wrongly been decided since the claimant



could not prove rash and negligent driving. He further contends that compensation awarded to the claimant is also on higher side. Therefore, he prays that the present appeal be allowed.

8. I have heard learned counsel for the appellant and perused the case file with his able assistance.

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

“25. As per the case of claimant, she suffered 100% disability in the accident which was the result of rash and negligent driving of respondent No.1 while driving car bearing registration No.PB-08-CS3565 which was owned by respondent No.2. The claimant appears to have duly proved her version in this regard by examining eye witness i.e. AW-2 Sukhwinder Singh and by herself stepping into witness box as AW-3. As deposed by these witnesses when on 14-03-2017 they were waiting at Bus Stand Rayya to visit Jalandhar, respondent No.1 while driving offending car in a rash and negligent manner and at high speed, from the side of Amritsar hit the claimant. On account of impact of the accident, Claimant suffered multiple injuries and became 100% disabled. Both these witness were cross examined at length by the learned counsel for respondent No.1 and 4 but despite lengthy cross-examination, they failed to extract anything so as to create doubt in their version regarding the occurrence.

26. Their version with regard to the occurrence has also been corroborated from the FIR No.54/2017 registered at Police Station Beas Ex.A570 which was registered on the basis of statement of AW-2



Sukhwinder Singh containing same allegations of causing of injuries to claimant by a person driving white swift car. As deposed by AW-7 HC Sukhwinder Singh police report has already been presented in said case against respondent No.1 and though FIR was registered against unknown accused but lateron respondent No.1 was nominated as accused.

27. The only contradiction pointed out by learned counsel for respondents in the statement of AW-2 Sukhwinder Singh regarding identity/name of respondent No.1 and registration number of the vehicle, cannot be given undue weightage as the witness has duly explained not only in his examination in chief but also during his cross-examination that he had seen the respondent No.1 on the spot and had even noted the registration number of vehicle. He had further explained that on account of trauma of witnessing such a major accident of his sister, he could not disclose those details in his first statement. It is further pertinent to note that no allegation has been levelled against the claimant and her witnesses for falsely implicating respondent No.1 and offending vehicle and thus, there is nothing on record to doubt her version. Even otherwise the claimant was required to prove their case on the touchstone of preponderance of probabilities only and not beyond the shadow of reasonable doubt and thus, the evidence on record is sufficient to establish her case. Thus, the objection regarding establishing of identity of respondent No.1 as driver of offending vehicle beyond doubt by conducting test identification parade, can be given any weightage,



though said objection may be quite relevant in the criminal case. The reply of AW-2 Sukhwinder Singh that police had disclosed him name of the driver or registration number of the vehicle, does not necessarily mean that witness was himself not aware of those material facts.

28. The reply of the claimant that the application for release of vehicle on sapurdari was not opposed on account of vehicle being not involved in accident, appears to have been given under some mistaken impression as admittedly, in the sapurdari proceedings, the claimant was not even served and thus, she had no chance of contesting the same. Thus, the claimant appears to have duly made out a probable case in her favor which is sufficient to grant her the relief sought by her. In this regard, reliance can be placed on the case law of Bimla Devi and others vs. Himachal Road Transport Corporation and others¹ wherein Hon'ble Supreme Court held:-

“In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into consideration the respective stories set forth by both the parties.”



29. *It is further pertinent to note that neither respondent No.2, the registered owner of said vehicle, opted to appear and dispute the version of claimant nor respondent No.1 disputed the fact that he was driver of the offending vehicle nor he could lead any such cogent and convincing evidence to prove the version of claimant to be false. Sole statement of Respondent No.1 was not sufficient to discard the overwhelming evidence of claimant. It is further pertinent to note that respondents even failed to attribute any such motive to the claimant for false implication of respondent No.1 and false involvement of the offending car.*

30. *From the statements of AW-4 Dr.Navjot Kaur, Radiologist and AW-6 Dr. Desraj Mal and the record produced by them, it has been duly proved that on account of injuries sustained by the claimant in the accident, she suffered 100% disability. Though, respondents cross examined both these medical experts at length but they failed to extract anything so as to create doubt in the authenticity of the record produced and proved by them. The fact that her disability was the result of injuries sustained in accident has been proved from the medical record of admission of claimant with multiple fractures on account of Road Side Accident, in Sri Guru Ram Dass Charitable Hospital, Amritsar soon after the accident. Thus, it can be safely said that Claimant suffered 100% disability due to the injuries sustained by her in the accident.*

31. *From the above discussion, this court is of the considered opinion that claimant has duly proved that she suffered 100% disability on account of*



rash and negligent driving of vehicle bearing registration no.PB-08-CS-3565. From the registration certificate Mark RA/Ex.AX2, it has been duly proved that it was the Respondent No.2 who was the registered owner of the vehicle. Moreover, from the saprudari order Ex.AX4 and admission of respondent No.1, it is crystal clear that respondent No.2 had got the offending car released on sapurdari being its registered owner. Thus, the respondents No.1 and 2 are jointly and severally liable to pay the compensation to claimant. 32. Though, initially the respondent No.4 had disputed the factum of fitness and insurance of the offending vehicle and driving license of respondent No.1 but claimant appears to have duly proved all those relevant documents. As it is apparent from insurance policy Ex.AX3, the vehicle was duly insured with respondent No.4 at the time of accident. The respondent No.4 has also failed to convince the court that driving license of respondent No.1 Ex.AX1 was not genuine, apparently which was valid at the time of accident. As the vehicle was not a commercial vehicle, the question of having a valid route permit, does not arise. Thus, the insurer i.e. respondent No.4, is liable to pay the compensation to the claimant.

33. So far as the earnings of the claimant are concerned, though she has alleged that she was earning Rs.20,000/- by running a boutique/tailoring shop but she has failed to lead any such cogent and convincing evidence to establish said fact. However, in view of observation of Hon'ble Apex Court given in the case law of Kirti vs. Oriental Insurance Corporation², the



value of services of claimant being housewife is to be considered equivalent to that of a skilled laborer and in view observation of Hon'ble Apex Court given in the case of Kajal vs. Jagdish Chand and others³ the claimant being 100% disabled is entitled to compensation in accordance with multiplier system. Relying upon the self attested copy of Minimum Wage Rates issued by Labour Commissioner Punjab for the year 2017 (year of occurrence), this court consider the monthly earning/value of services worth Rs.9,245/-. So far as the claim of claimant regarding employment of permanent helper with the monthly remuneration of Rs.10,000/- is concerned, same has also not been established as neither any documentary proof of employment of any such helper has been brought on record nor proof of payment of said remuneration has been produced nor said helper has been examined nor even his name has been disclosed. In view of principle laid down by Hon'ble Apex Court in the case of Sarla Verma vs. Delhi Transport Corporation⁴ , the compensation is calculated as detailed hereunder:-

Sr. No.	Head	Details	Amount
1	Annual Salary	9,245x12	1,10,840
2	Deduction of Personal Expenses/Loss of Dependency	Not applicable	Not applicable
3	Future Prospect	1,10,840x40%	44,336/-
4	Amount of Compensation	16x(1,10,840+44,33 6)	24,82,816/-
5	Medical expenses	Ex.A10-567	7,97,424/-
	Total Compensation	Sr. No.4 and 5	32,80,240/-



34. In view of above discussion, this court is of the considered opinion that claimant has duly discharged the onus under issue no.1. The onus to prove issue no.2 was on the respondents but neither respondents have lead any evidence in support of this issue nor pressed the same during the course of arguments. Even otherwise, in view of findings under issue no. 1, it can be safely said that present claim petition was well maintainable against the respondents and accordingly, both these issues stand decided in favour of claimant and against the respondents.”

10. A perusal of the impugned award reveals that the learned Tribunal has meticulously appreciated the entire evidence on record and has rightly reached the conclusion that the accident in question occurred due to rash and negligent driving of the offending vehicle by respondent No.2 (Ranjit Singh).

11. The contention raised on behalf of the appellant—Insurance Company, that the Tribunal erred in holding respondent No.1 guilty of rash and negligent driving on the ground that the FIR (Ex.A570) was initially lodged against an unknown driver and unknown vehicle, is wholly devoid of merit. It is well-settled that in motor accident claim cases, it is common that the FIR is initially registered against an unknown vehicle and driver, and that subsequently, upon investigation, the particulars of the offending vehicle and its driver surface. In the present case too, the investigation carried out by the police duly established the involvement of the offending vehicle and the culpability of respondent No.2, and as



deposed by AW-7 HC Sukhwinder Singh, the police report was presented against respondent No.2 as the driver of the offending car. The learned Tribunal has thus rightly taken into account the outcome of the investigation and reached at a just conclusion.

12. Further, the testimony of the eye-witness AW-2 Sukhwinder Singh is of significant evidentiary value. He narrated the entire sequence of events leading to the accident and specifically attributed negligence to the driver, Ranjit Singh. Despite being subjected to detailed and searching cross-examination, his testimony remained consistent and unimpeached. The claimant herself stepped into the witness box as AW-3 and fully corroborated the version of AW-2. She too was extensively cross-examined, but nothing material could be elicited to discredit her testimony. The learned Tribunal was, therefore, justified in placing reliance on these unimpeachable testimonies.

13. The medical evidence further strengthens the version put forth by the claimant. AW-4 Dr. Navjot Kaur duly proved the disability certificate (Ex.A571), establishing that the claimant had suffered 100% permanent disability as a result of the injuries sustained in the accident in question. AW-4 Dr. Navjot Kaur was also cross-examined at length, but her testimony remained wholly unshaken. It is trite law that the testimony of expert witnesses, particularly medical professionals, carries great weight and cannot be lightly discarded, save in the presence of compelling reasons. No such reason exists in the present case.



14. It must also be borne in mind that the standard of proof required in proceedings before the Motor Accident Claims Tribunal is that of preponderance of probabilities, and not the stringent standard of proof beyond reasonable doubt applicable in criminal law. The Tribunal has rightly applied this settled principle while adjudicating the claim.

15. Adverting to the second limb of the contention of the appellant-insurance company that compensation awarded by the learned Tribunal is on the higher side and while assessing the compensation payable to Claimant Simarjit Kaur, the Tribunal erroneously considered her functional disability as 100%.

16. This Court is unable to agree with the submission. A perusal of the record reveals that the claimant was a housewife at the time of the accident and has suffered permanent disability to the extent of 100%. The concept of functional disability has to be viewed not in a narrow or pedantic sense of medical assessment alone but in the context of the occupation, role, and responsibilities of the injured. In the case of a housewife, the test is whether the disability renders her incapable of performing her normal household duties, which encompass multifarious functions, including managing the household, cooking, cleaning, child-rearing, and providing emotional stability to the family. These contributions, though unremunerated in economic terms, are indispensable to the sustenance of the family unit.

17. This Court, while adjudicating **FAO-1292-2006, titled as “Jasbir Singh and anr. Vs. Surjit Singh and ors.”, decided on 08.11.2024** in relation to an accident of the year 2007, had



categorically recognized the multifaceted role of a homemaker. It was observed therein that if the services rendered by a housewife were to be outsourced, the family would be compelled to incur significant expenditure. On such reasoning, this Court held it just and reasonable to assess the notional income of a housewife as Rs. 9,000/- per month. In the present case, therefore, the Tribunal was justified in assessing the notional income of the claimant-housewife as Rs. 9,245/- per month. This assessment is sound, rational, and does not call for interference.

18. Coming to the next limb of the argument regarding the assessment of 100% functional disability, the same also merits rejection. The disability certificate placed on record unequivocally reflects that the claimant has suffered permanent disability to the extent of 100%. Having regard to her role as a housewife, it is evident that she stands completely incapacitated in performing her normal day-to-day household activities. The learned Tribunal, therefore, committed no error in treating her functional disability as 100%.

19. It is well settled by the Hon'ble Supreme Court in **K. Ramya v. National Insurance Co. Ltd., 2022 (4) RCR (Civil) 435** that the Motor Accident Claims Tribunals are vested with sufficient latitude to determine "just compensation" and are not shackled by rigid arithmetical rules or strict standards of evidence as in civil suits for damages. Interference by the Appellate Court is warranted only when the award of compensation is manifestly excessive, arbitrary, or contrary to settled principles.



20. In the present case, the findings of the learned Tribunal are in consonance with law and based upon sound reasoning. The compensation awarded, being neither exorbitant nor arbitrary, warrants no interference by this Court.

21. In view of the foregoing discussion, this Court finds that the findings recorded by the learned Tribunal are well-reasoned, based on cogent appreciation of oral as well as documentary evidence, and are fully in consonance with the settled principles of law. The award does not suffer from any perversity, illegality, or infirmity warranting interference by this Court in appellate jurisdiction.

22. Accordingly, the present appeal is dismissed as being devoid of merit.

23. The Insurance Company is hereby directed to disburse the current scheduled fee to Mr. Rajneesh Malhotra, Advocate within a period of 20 days from the date of receipt of the copy of this order, in view of the order dated 18.07.2024 passed in FAO No.1682 of 2007, by this Court.

24. All the pending applications also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

July 22, 2025
Ayub

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