

2025:PHHC:173220



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

**FAO-1418-2017 (O&M)
Reserved on: 07.11.2025
Pronounced on: 11.12.2025**

ORIENTAL INSURANCE CO. LTD.

....Appellant

Vs.

SAROJ AND OTHERS

.....Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Harsh Aggarwal, Advocate
for the appellant.

Mr. Ravinder Malik, Advocate
for respondent Nos. 1 to 4.

Service qua respondent No. 5 stands dispensed with
vide order dated 08.09.2022.

None for respondent No. 6 despite service.

HARKESH MANUJA, J.

1. The present appeal has been filed by the Insurance Company against the Award dated 25.10.2016 passed by Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as "the Tribunal"), in MACT Petition No. 40 of 2016 dated 17.05.2016 filed under Section 166 of the Motor Vehicles Act (hereinafter referred to as "the Act"), whereby the claim petition of the claimants/respondents No. 1 to 4 herein, was allowed and compensation of Rs. 15,83,000/- has been awarded to them. The 4 claimants are the widow and 3 minor children of deceased Sanjay.

2. Brief facts of the case are that the Ld. Tribunal on the basis of the pleadings as well as oral and documentary evidence adduced before it concluded

that Sanjay died due to injuries suffered by him in a motor vehicular accident which took place on 16.02.2016 at about 5:30/6:00 a.m. due to rash and negligent driving of Volkswagen Polo car bearing registration No. HR-29-AE-5055 (hereinafter referred to as “the offending vehicle”) by respondent No. 6. The offending vehicle was owned by respondent No. 5 and insured by the appellant. Accordingly, learned Tribunal awarded compensation in the following manner:-

S.No.	Heads of Claim	Amount (in Rs.)
1.	Monthly Income of Deceased	Rs. 8,100/-
2.	30% Future Prospects	Rs. 2,700/-
3.	Total Income (Rs. 8,100 + Rs. 2,700)	Rs. 10,800/-
4.	Deduction (1/4 th)	Rs. 8,100/-
5.	Multiplier (15) (8,100 x 12 x 15)	Rs. 14,58,000/-
6.	Loss of love and affection	Rs. 1,00,000/-
7.	Funeral Expenses	Rs. 25,000/-
8.	Total Compensation	Rs. 15,83,000/-

ARGUMENTS
ON BEHALF OF THE LEARNED COUNSEL FOR THE APPELLANT/INSURANCE COMPANY

3. Learned counsel for the appellant/Insurance Company assailed the impugned Award by submitting that the appellant was disputing the very involvement of the offending vehicle. Learned counsel elaborated to submit that the accident had taken place on 16.02.2016; in respect of which FIR No. 74 dated 16.02.2016 under Sections 279 and 304-A IPC was registered at Police Station Sampla by Satyawar (PW-3)/brother of the deceased. Satyawar (PW-3) was not an eyewitness to the accident. Accordingly, an FIR was registered against unknown vehicle and unknown person. It was submitted that, as per the FIR, the accident took place with an unknown vehicle and therefore, claim petition u/s 161 MV Act was maintainable and not a petition u/s 166 MV Act, 1988.

3.1 It was further pointed out that the driver of the alleged offending vehicle was apprehended only on 03.03.2016, i.e. after an inordinate delay of nearly 14-15 days from the date of accident. The delayed arrest, coupled with the absence of any independent eye-witness to the alleged occurrence, raises serious doubts regarding the genuineness of the claim set forth by the claimants. He also submitted that the circumstances on record clearly suggest that the offending vehicle was subsequently and falsely implicated in the FIR with the sole motive of securing compensation on account of the unfortunate demise of the deceased, thus the Award passed by the learned Tribunal be set aside.

ON BEHALF OF THE LEARNED COUNSEL FOR THE CLAIMANTS/RESPONDENTS NO. 1 TO 4

4. Learned counsel for the claimants/ respondents No. 1 to 4 vehemently opposed the prayer made on behalf of the appellant and submitted that the claimants had produced voluminous cogent evidence including the testimony of Satyawar (PW-3), according to which the driver of the offending vehicle himself came to their house along with 4-5 family members and respectable of the village for compromise after the accident which proved that the accident in question had taken place with the offending vehicle. As such, the version which was put forth by the claimants cannot be doubted. It was accordingly prayed that the present appeal be dismissed.

DISCUSSION

5. I have heard learned counsel for the parties and perused the paper-book of the case.

6. The pleaded case of the claimants/respondents No. 1 to 4 is that at the time of accident, the deceased was aged 40 years. He was working as a Sweeper on part time basis at DC rate and earning Rs. 8,100/- as salary per month. Accident

took place on 16.02.2016 around 5:30/6:00 a.m. near bus stand of Assan and a case bearing FIR No. 74 dated 16.02.2016 had been registered.

6.1 It was further pleaded that on 16.02.2016 the deceased had gone for a morning walk on Rohtak-Sonipat Road. When he reached near the Bus stand of village Assan, then in the meantime one Volkswagen Polo car bearing registration No. HR-29-AE-5055 driven by respondent No. 6 in a rash and negligent manner, came and directly rammed in Sanjay (since deceased). Due to the impact of the accident, Sanjay received multiple and serious injuries on various parts of his body and he expired on the spot due to injuries received in the accident. After the accident, respondent No. 6 fled away from the spot. The FIR was registered on the statement of Satyawar (PW-3) who was not present at the spot. Claimants had claimed Rs. 30,00,000/- as the total compensation amount as deceased was the only bread winner of the family and claimants were dependent upon the income of the deceased.

7. This Court has carefully examined the entire evidence brought on record, including the testimonies of the witnesses, documentary evidence such as FIR, site plan, post-mortem report, charge-sheet and the findings rendered by the learned Tribunal. It is not in dispute that the FIR in the present case was initially registered against an unknown vehicle as no eye-witness was present at the spot. However, merely because the FIR was lodged against an unknown vehicle, the maintainability of the petition under Section 166 of the Act cannot be doubted, once the offending vehicle and its driver were identified during the course of investigation.

8. The contention raised on behalf of the appellant that the involvement of the offending vehicle is a false implication, solely with the motive of extracting compensation, does not inspire confidence. The investigating agency, after

conducting a thorough investigation, arrested the driver of the offending vehicle on 03.03.2016 and thereafter presented the report under Section 173 Cr.P.C. against him. The said charge-sheet has neither been rebutted nor set aside by any competent court. Thus, the findings of the criminal investigation duly support the case of the claimants regarding the involvement of the offending vehicle.

9. The testimony of Satyawan (PW-3), although admittedly not an eye-witness, remained consistent and trustworthy. He categorically stated that after the accident, the driver of the offending vehicle visited their house accompanied by some village respectable to arrive at a compromise, which lends credence to the prosecution version pertaining to the involvement of the offending vehicle. Nothing material could be elicited in his cross-examination to discredit his version. Further, there is not even an iota of evidence led on behalf of the Insurance Company to establish that the vehicle has been falsely implicated or that any other vehicle was actually involved in the occurrence.

10. It is well-settled that motor accident claim proceedings are not strictly governed by the technical rules of The Evidence Act and the hyper-technical objections raised by the insurer, in the absence of cogent proof, cannot be accepted to deprive the dependents of the deceased of just compensation. Furthermore, the fact remains that the driver of the offending vehicle had been arrayed as accused; and the charge-sheet was filed after the investigation. Pertinently, the driver of the offending vehicle had not made any complaint before the higher authorities against the false implication in the criminal case. Moreover, compliance of strict rule of evidence and principles are not necessary in the process of enquiry as envisaged under Motor Vehicles Act, 1988. The law regarding the above propositions are settled in plethora of judgments pronounced by the Apex Court, including the case of **“Bimla Devi & Ors. v. Himachal Road Transport Corporation and Ors.”**

reported as (2009) 13 SCC 530. Therefore, the learned Tribunal has rightly appreciated the evidence on record in concluding that the accident occurred due to rash and negligent driving of respondent No. 6.

11. As regards assessment of compensation, this Court finds that the learned Tribunal has correctly taken the income of the deceased as Rs. 8,100/- per month as proved on record. The addition of 30% towards future prospects, deduction of 1/4th towards personal expenses, application of multiplier of 15 as per age of the deceased, and grant of conventional heads are all in consonance with the settled principles laid down by the Hon'ble Supreme Court. The compensation awarded thus cannot be termed as excessive or inconsiderate in any manner.

12. In view of the aforesaid discussion, this Court finds no substance in the appeal filed by the Insurance Company. The appellant has failed to establish any illegality, perversity or error in the impugned Award which would warrant interference by this Court in exercise of appellate jurisdiction.

13. Consequently, the present appeal is dismissed being devoid of merit. The Award dated 25.10.2016 passed by the learned Motor Accident Claims Tribunal, Rohtak is hereby upheld in toto. The amount awarded, if not already released, shall be disbursed to the claimants/respondents No. 1 to 4 in accordance with the terms and conditions laid down by the learned Tribunal. Pending applications, if any, shall also stand disposed of.

(HARKESH MANUJA)
JUDGE

December 11, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/ No