



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

FAO-1913-2026 (O&M)
Date of Decision:07.04.2026

UNITED INDIA INSURANCE CO. LTD

...Appellant

Versus

HARPREET KAUR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Harinder Kumar, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

CM-7115-CII-2026

This is an application for condonation of delay of 10 days in re-filing the appeal.

For the reasons mentioned in the application, same is allowed and the delay of 10 days in re-filing the present appeal, is hereby condoned.

CM-7116-CII-2026

This is an application for condonation of delay of 06 days in filing the appeal.

For the reasons mentioned in the application, same is allowed and the delay of 06 days in filing the present appeal, is hereby condoned.

FAO-1913-2026

Appellant/insurance company being aggrieved by award dated 08.10.2025, passed by learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal') vide which compensation of Rs.22,68,000/- along with interest of 7.5% p.a. was awarded to

respondents/claimants on account of untimely death of deceased Dharminder Singh in motor vehicular accident dated 26.08.2019 involving offending car bearing No. PB-11-CH-5213 being driven rashly and negligently by driver/respondent No.1, has preferred the present appeal.

2. Learned counsel for appellant/insurance company has challenged the finding of learned Tribunal on issue No.1 whereby it was held that driver/respondent No.1 was rash and negligent in causing the accident while driving offending vehicle bearing No. PB-11-CH-5213. The sole ground taken by appellant/insurance company to challenge the finding of learned Tribunal on issue No.1 is acquittal of driver/respondent by criminal Court in trial arising from FIR No.0160 dated 27.08.2019 lodged regarding accident dated 26.08.2019. It is asserted on behalf of appellant/insurance company that respondents/claimants have failed to prove involvement as well as negligence on the part of driver/respondent No.1 in causing the accident dated 26.08.2019. Learned counsel has also referred to evidence of RW1 Dr. Jaspal Singh, wherein he had concluded that there was a collusion between the parties to grab compensation and insured vehicle bearing No. PB-11-CH-5213 was falsely implicated in connivance with each other.

3. Perusal of impugned award dated 08.10.2025 goes to show that learned Tribunal has duly taken into consideration evidence of respondents/claimants to conclude rash and negligent driving on the part of driver/respondent No.1. Learned Tribunal has rightly appreciated evidence of CW2 Gurdeep Singh, who happens to be eye-witness of the accident, though FIR No.0160 dated 27.08.2019 under Sections 279, 304A and 427 of IPC, was registered with Police Station Sadar Nabha, Patiala, was lodged on

statement of Baldev Singh. There is no rebuttal to the evidence of CW2, though appellant/insurance company had examined its Investigator as RW1 Jaspal Singh who on the basis of his investigation had concluded that there was connivance between claimants and driver/respondent and offending vehicle was falsely shown to be involved in the accident. However, no reliance upon RW1 can be placed as RW1 is not the witness to the accident. He had subsequently made his own private investigation and on the basis of said investigation he has given his conclusion/opinion regarding connivance between claimants and the driver/respondent. The opinion or conclusion drawn by private investigator has no value in the eyes of law and cannot be relied upon. Private investigator cannot take-over the functions vested with the Courts. Private investigator at the most can place facts and circumstances of a case before the insurance company and thereafter, it is insurance company which is required to prove those facts and circumstances which are pointed by private investigator as to doubt about the involvement of vehicle.

4. However, in the present case, no material has been placed on record to prove false implication of offending vehicle in the present case. The opinion of RW1 has, therefore, been rightly rejected and cannot be taken into consideration. The evidence of CW2 is consistent and has gone un rebutted. On one hand, eye-witness has duly stated the manner of accident which is in line with the manner stated in the FIR and on the other hand, there is total lack of evidence except for self-serving denial by appellant/insurance company. The learned Tribunal has rightly relied upon evidence of CW2 to conclude involvement as well as rash and negligent driving on the part of driver/respondent No.1.

5. The argument raised on behalf of learned counsel for

appellant/insurance company that since appellant/insurance company has turned hostile in criminal trial which has led to acquittal of driver/respondent, therefore, the assertions made by CW2 before learned Tribunal are liable to be rejected again is without any merit. It is worth noticing that CW2 while appearing in criminal trial has not stated that the offending vehicle was not involved in the accident. He has also not stated that driver of offending vehicle was not rash and negligent in causing the accident. The acquittal secured by driver/respondent is only on the basis of the fact that he was not identified to be the driver of offending vehicle at the time of accident by CW2 while appearing as a witness before the criminal Court. The acquittal of driver/respondent is on account of lack of identification, therefore, there is no material contradiction between the evidence of CW2 before learned Tribunal and his evidence before criminal Court. In both the Courts he has stated that accident was caused by vehicle bearing No. PB-11-CH-5213 by its driver while driving rashly and negligently. Therefore, statement of CW2 cannot be rejected merely because he has failed to identify the accused/respondent No.1 in the criminal trial.

6. Moreover, findings of criminal Courts are not binding upon learned Tribunal or Civil Courts. Civil Court/Tribunal is bound to decide the *lis* before it on the basis of evidence led before it. The conclusion drawn by criminal Court are not binding as standard of proof in civil cases and in criminal cases are altogether different. In claim petition under Motor Vehicles Act the standard of proof is preponderance of probabilities, whereas in criminal matter standard of proof is to prove the case beyond reasonable doubt. In criminal cases benefit of doubt goes to accused, whereas no such principle is applicable in civil cases. The evidence is appreciated on the basis

of preponderance of probabilities and fact is considered to be proved on showing of probable existence of fact and, therefore, the finding of criminal Courts is not binding on Tribunal in MACT matters.

7. Argument raised on behalf of appellant/insurance company that acquittal would lead to dismissal of claim petition is without any basis and liable to be rejected. The conclusion drawn by learned Tribunal is based upon evidence led by respondents/claimants which is reliable, consistent and has gone unrebutted. No ground for interference in the appeal is made out. Appeal is without any merit, hence is dismissed.

8. Pending application(s), if any, is/are disposed of accordingly.

07.04.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No