

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-868-2022 (O&M)

NATIONAL INSURANCE COMPANY LTD.

..Appellant

Versus

RANDHIR SINGH AND ORS.

..Respondents

Reserved on: 17.04.2026

Pronounced on: 24.04.2026

Uploaded on : 27.04.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Vipul Sharma, Advocate
for Mr. Paul S. Saini, Advocate
for the appellant-Insurance Company.

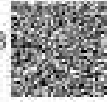
Mr. Lalit Garg, Advocate
for respondent No.3-Oriental Insurance Co. Ltd.

SUDEEPTI SHARMA, J.

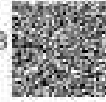
1. The present appeal has been filed by the appellant-Insurance company against the award dated 26.10.2021 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal'), wherein the claim petition filed by the claimants was allowed and appellant-Insurance company was made liable to pay the compensation.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that on 21.12.2017 at about 9.20 A.M., the claimant-injured Randhir Singh had boarded the bus bearing



registration no. HR45-B-6252, which was being driven by its driver i.e. respondent no.1 namely Balraj Singh from Karnal to Chandigarh. When the said bus reached near Nilokheri Jhilmil Dhaba on G.T. Road, Karnal, then the driver of the said bus hit the said bus into a truck bearing registration no. HR55-P-0165. Both the said drivers of the vehicles i.e. driver of the bus as well as the driver of the truck were negligent and careless as they were not observing the traffic rules. The driver of the bus was driving the bus in rash and negligent manner without observing the traffic rules and he did not see the truck parked on the G.T. Road. Similarly, the driver of the truck was also careless and negligent as he had parked his truck on the G.T. Road without any indicator as well as light. Due to this accident, the driver of the bus along with so many passengers sustained serious, multiple and grievous injuries. It is further pleaded that the claimant-injured was sitting in the bus just behind the seat of the driver. Due to the impact of this accident, the claimant-injured sustained serious, multiple and grievous injuries including the fracture on his right knee, right leg and right thigh as well as on his back bone and various other abrasions on various parts of his body. The other passengers had also sustained serious, multiple and grievous injuries in the accident in question. After the accident, the claimant-injured was taken to General Hospital, Karnal where he was medico legally examined vide MLR No.KJ-90/17 dated 21.12.2017 and thereafter due to his serious, multiple and grievous injuries, he was shifted to Medline Hospital, Duggal Colony, Karnal for treatment. He has spent an amount of Rs.4,00,000/- on his treatment, medicines, hospitalization, doctor fees, transportation, special diet etc. Operation on his leg was also done by the Doctor. Thereafter, FIR bearing no. 482 dated 21.12.2017 under sections 283 and 304-A IPC was



registered with the Police Station Butana, Karnal. It is further pleaded that at the time of accident, claimant-injured was having 30 years of age. He was running a shop of tyre puncture situated at Sambhli Road, Nissing, District Karnal and was earning a sum of Rs.15,000/- per month. He was the only bread earner of his family. But due to the serious, multiple and grievous injuries sustained in the accident in question, he has become crippled and he is even unable to move, walk, sit, climb the stair etc. He is still under treatment. It is prayed that a sum of Rs.20,00,000/- as compensation along with interest at the rate of 18% per annum from the date of accident till its realization may kindly be awarded in favour of the claimant and against the respondents along with cost.

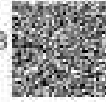
3. Upon notice of the claim petition, respondents appeared and contested the claim petition by filing their separate written replies denying the factum of accident/compensation.

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

“1. Whether the accident in question took place on 21.12.2017 at about 9.20 A.M. near Zhilmil Dhaba Nilokheri, G.T. Road, in the area of P.S. Butana, District Karnal on account of rash and negligent driving of offending vehicle i.e. Ashok Leyland Truck bearing registration no. HR55-P-0165 by respondent Bhim Ram resulting into injuries to Randhir Singh, Pooja Tanwar and death of Balraj Singh?OPP.

2. If issue no. 1 is proved, whether the claimants are entitled to claim any compensation, if so, how much and from whom?OPP.

3. Whether the vehicle in question was being driven in violation of the terms and conditions of the insurance policy and/or provisions of the Motor Vehicle Act? OPR.



4. Whether the claim petition is not maintainable in the present form?OPR.

5. Whether the claimants have no locus standi and cause of action to maintain the present claim petitions against the answering respondents?OPR.

6. Whether the present claim petitions are bad for mis joinder and non joinder of necessary parties?OPR.

7. Relief. ”

5. Thereafter, both the parties led their 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 claimants. Hence, the present appeal.

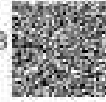
SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

7. Learned counsel for the appellant–Insurance Company contends that the learned Tribunal has erred in holding that accident occurred due to sole negligence of the driver of offending vehicle. He furthermore, contends that infact the accident was a result of contributory negligence of both the drivers. He furthermore contends compensation awarded by the learned Tribunal is on the higher side and deserves to be reduced. Therefore, he prays that the present appeal be allowed.

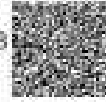
8. Per contra learned counsel for respondent No.3-Insurance Company has vehemently argues on the line of award and prays for dismissal of the present appeal.

9. I have heard learned counsel for the parties and perused the whole case file with their able assistance.

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

***“Issue No.1***

21. Onus to prove this issue is on the claimants. In order to prove this issue, the claimants have examined Neetu son of Rajpal as PW3 who is the author of the FIR cum eye witness to the accident in question as Conductor, who while appearing in the witness box, in his affidavit Ex.PW3/A has deposed in detail about the manner in which accident was caused by the respondent no.3 Bhim Ram (first petition and respondent no.1 of second and third petition) while parking the offending truck near the divider of road and negligent manner. He has specifically deposed that on 21.12.2017 at about 9.20 A.M., Balraj Singh (since deceased) was driving the Haryana Roadways bus bearing registration no. HR45-B-6252 which was going from Karnal to Chandigarh. He was posted as Conductor on the said bus. Balraj Singh was driving the said bus at moderate speed on his due left side of the road. When the said bus reached near Nilokheri Jhilmil Dhaba on G.T. Road, Karnal, then, a container bearing registration no. HR55-P-0165 was standing/parked on the road near the road divider. The driver of the said container had not taken any precautions while parking his container in the middle of the road. He had not put on the parking lights or dipper nor he had placed any reflector near stranded vehicle. It was foggy day and the visibility was very poor and it gave an impression that the container was moving on the road. He has further deposed that by the time, Balraj Singh noticed that the container was not moving. But it was parked on the road, then, he tried his best to avoid the accident in question and applied sudden brakes and swerved his vehicle. However, while passing through the said container, the bus hit against the container from back side. He further deposed that the accident in question



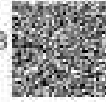
took place due to the sole rash and negligent act of the driver of the container, who had parked the container in the middle of the G.T. Road without taking any precautions. Due to this accident, Balraj Singh received several multiple and grievous injuries and he succumbed to his injuries later on.

22. Smt. Pooja Tanwar widow of Bharat Singh, (claimantinjured of the second petition) appeared as PW1 and has tendered her affidavit Ex.PW1/A.

23. Smt. Rani widow of Balraj Singh, (claimant no.1 of the third petition) appeared as PW2 and she has tendered her affidavit Ex.PW2/A.

24. Randhir Singh, (claimant-injured of the first petition) appeared as PW5 and he has tendered his affidavit Ex.PW5/A. In their respective affidavits, all the abovesaid petitioners have deposed about the manner of the accident caused by the respondent-driver Bhim Ram while parked the container/truck bearing registration no.HR55-P-0165 near divider of the road without any indicators or navigator lights.

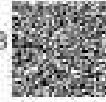
25. In order of substantiate the case, Anmol Verma, owner of Three Aces Global Logistics Pvt.Ltd. as RW1 and tendered his duly sworn affidavit Ex.RW1/A. In his affidavit, he has deposed that petitioners concocted a false story in claim petitions just to get compensation by mentioning wrong facts and concealing true and material facts from the court and a false case has been registered by the police. The respondent-driver Bhim Ram appeared in the witness box as RW2 and in his affidavit Ex.RW2/A, he has deposed that there is no fault on his part in driving the vehicle in question but a concocted story has been forwarded just to get compensation the claimants and he has been falsely impleaded as a party in the present petitions and a false case has been registered against him



by the police. In his cross-examination, he has admitted that he is facing trial for causing the present accident and charges have been framed against him. He further stated that he has not filed any appeal or revision framing of charges and also not made any representation to any higher authority regarding his false involvement in the present case.

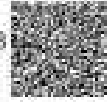
26. Shri K.D.Goyal, learned counsel for respondent-National Insurance Company has argued that it has come on record that the alleged accident had occurred when truck bearing No.HR-55P-0165 was already parked on the spot where the accident took place but the driver of the bus by driving the same in rash and negligent manner hit stationed truck without observing it and this fact is admitted by PW5 Randhir Singh who has testified in his affidavit Ex.PW5/A that driver of the bus was driving the same in rash, negligent and careless manner without observing the traffic rules and he did not see the said truck parked on the G.T.Road. Had driver of bus noticed the stationed truck from a very reasonable distance, he could have applied the brakes of the bus and accident could have been avoided but driver of the bus was negligent in causing the accident in which he died on the spot and other persons received injuries. Learned counsel for insurance company has placed reliance on Raj Kaur and Ors. Versus Gurnam Singh and Ors. (Punjab and Haryana) Law Finder Doc Id # 716949.

27. Whereas learned counsel for petitioners-claimants Rani etc. relying upon The New India Assurance Company Ltd. Versus Smt. Kalpana & Others 2007(1) R.C.R.(Civil) 772 (S.C.) has argued that at the time of accident, the visibility was very poor due to heavy fog, the offending truck was parked near divider of the road without putting on the back lights, reflectors, indicators

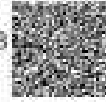


and some kind of obstruction to show the presence of the truck on the road and PWs also stated that the stationed truck was giving impression that some vehicle was going ahead of the bus. Had the driver parked the truck by giving navigator lights and reflectors, then accident could have been avoided because bus driver tried his level best to pass on the stationed truck but he had no sufficient time to notice the same thus, right side of the bus while crossing the truck struck against the stationed truck resulting into the death of bus driver at the spot and other passengers received multiple injuries including petitioners. Thus, it was a sole negligence on the part of truck driver and not due to negligence on the part of bus driver. In support of his contentions, learned counsel for petitioners has relied upon The Oriental Insurance Company Limited Versus Harshpreet Kaur and others (Punjab and Haryana), Law Finder Doc Id # 787702.

28. After giving thoughtful consideration to learned counsel for both the sides, it is noticed that no doubt, PW5 Randhir Singh in his affidavit Ex.PW5/A has testified that bus driver was driving the same in rash, negligent and careless manner without observing the traffic rules and he did not see the said truck parked on the G.T.Road which was parked by its driver rashly, negligently and carefully without any indicator as well as light and without following the traffic rules, whereas petitioner PW1 Pooja Tanwar and PW3 Neetu, Conductor of the bus have categorically stated that the driver of the truck had parked the truck on the G.T.Road near divider near Zilmil Dhaba rashly, negligently and carelessly without giving any reflector and back lights on. Since it was a foggy weather, thus, Balraj, driver of the bus could not have reasonably expected that truck would remain parked in the middle of the G.T.Road and by the



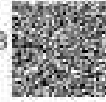
time bus driver noticed the stationed truck, he tried his best to avoid the accident and applied brakes and sewered his vehicle but despite that, bus hit against the stationed truck due to sole rash and negligent act of the truck driver. Both petitioner PW1 Pooja Tanwar and PW5 Randhir Singh were travelling in the bus and they have categorically denied the suggestion of learned counsel for respondent-insurance company that the truck No.HR05P-0165 was parked on the kacha portion. Both these PWs were sitting on the front seat of the bus. PW3 Neetu, Conductor of the bus has stated in his cross-examination that he was standing near front seats with his face towards the front glass of the vehicle and thus had full view of the road. He has categorically stated that it was foggy day. Driver of the bus was driving the bus at a slow speed and very consciously and also denied the suggestion of learned counsel for respondent-insurance company that container driver had put green bushes around the vehicle to caution the other road users. He has categorically stated that they did not find any such bushes around the vehicle. PW5 Randhir Singh has also denied the suggestion of learned counsel for respondent-insurance company that truck driver has given indications as well as lights due to the fog. PW5 Randhir Singh has also denied the suggestion that accident had occurred due to negligency of drivers of both vehicles. Learned counsel for respondent-insurance company has contended that it was a case of contributory negligency of process of both the vehicles and relied upon United India Insurance Company Limited Versus Rani Kaushal and others, 2106 (3) PLR 771. In that case it was held by the Hon'ble High Court that apart from two conflicting versions, there was a reference in the FIR that the truck which was parked in the middle of the road did not have



parking lights or reflectors. In this case also, it is mentioned in the FIR Ex.P44 that the “canter driver has parked the canter near divider of the road without giving any reflector.” As the bus driver noticed the stationed truck, he tried to cross the bus from left side of truck but it struck with back side of the truck, hence, the ratio of law laid down in Raj Kaur and others’ case (Supra) relied upon by learned counsel for respondent-insurance company is not applicable upon the facts and circumstances of the present case. No doubt, in that case, accident of the car with stationed truck parked aside toll barrier occurred, the said truck was parked without lights and deceased driver had not exercised caution to slow down the car. In the reported case, truck was parked near the toll barrier and it was not a foggy day. In the presence case, since it was foggy day, the truck driver must have vigilant while stationed his truck on the spot. The rulings relied upon by learned counsel for the petitioners are fully applicable to the facts of the present case.

29. In Oriental Insurance Company Limited’s case (Supra) relied upon by learned counsel for petitioners Rani etc., the visibility was poor due to heavy fog and driver left the vehicle parked in the middle of the road without putting on back lights, reflectors, indicators. Our Hon’ble High Court held that the driver of the stationed vehicle responsible for the accident.

30. In The New India Assurance Company Ltd.’s case (Supra) relied upon by learned counsel for petitioners Rani etc., the Hon’ble Supreme Court of India held that the driver of the stationed truck responsible for causing the accident as he had already parked the truck on road in running condition without indicator and a car dashed against the truck and car driver died on the spot.

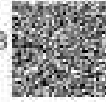


31. Thus, keeping in view the testimonies of the PWs and the ruling relied upon by learned counsel for petitioners Rani etc., it is held that the truck driver had parked the truck without any indicator, navigator lights and this act of the truck driver was rash and negligent which results into the death of bus driver and other passengers got injuries due to the accident.

32. In *Girdhari Lal Vs. Radhey Shyam and Ors.* 1993 (2) P.L.R. 109, it is held that in motor vehicle accident claim cases, the approach to find out who was rash and negligent in causing the accident is different from the one when a person is challaned in a criminal court on a culpable charge. The burden of proof on the petitioner is not that heavy as is required to prove a criminal charge for rash and negligent driving of the vehicle.

33. In the present case, the fact that the police has challaned respondent/driver Bhim for the commission of offences punishable under Sections 283 and 304-A as is evident from report under section 173 Cr.P.C. Ex.P45 shows that the investigating agency had reached the conclusion that respondent No.1 had caused the accident by rash and negligent act. Respondent-driver Bhim Singh of container No.HR-55P0165 did not make any complaint to higher police officers regarding his false implication in the criminal case.

34. Keeping in view the aforesaid discussion, there is no reason to disbelieve the unrebutted testimonies of PW3 Neetu and PW5 Randhir Singh coupled with other circumstances come on record, it is amply proved on record that accident was caused due to the rash and negligent driving of truck No.HR-55P-0165 by respondent-driver Bhim Ram resulting into death of Balraj Singh and injuries to petitioners Randhir Singh and Pooja Tanwar.



In these terms, issue stands answered in favour of petitioners.

Claim petition No.67 of 2021 titled as Rani and others Versus Bhim Ram and others:

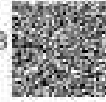
51. For assessment of compensation in case of death, the petitioners have to establish three facts i.e. the age of the deceased, income of the deceased and number of dependents. It is well settled that multiplier method is the most logically sound method for ascertainment of the loss of dependency for which compensation is to be awarded. While adopting this method, the Tribunal is required to take the following steps:-

- (i) ascertaining the multiplicand;*
- (ii) ascertaining the multiplier;*
- (iii) actual calculation.*

52. In view of the findings on issue No.1, it is proved that Balraj Singh died in the accident. Now, the question arises as to what amount of compensation the petitioners are entitled for and from whom.

53. PW2 Rani has deposed that her husband was 48 years of age at the time of accident and he was employed as bus driver with Haryana Roadway and was drawing salary of Rs.53,445/- per months. Besides this, he was earning an average Rs.25,000/- per month towards overtime which he has been consistently earning for the last several years and was a part of his regular income. She further deposed that a sum of Rs.1,00,000/- was spent on transportation, funeral and last rites of the deceased.

54. PW6 Paras Moni, Clerk has admitted that as per the pay slip/salary slip Ex.PW6/A for the month of November, 2017, Balraj Singh was drawing a gross salary of Rs.53,448/- per month. PW4 Bhagwan Dev, Overtime Clerk in his cross-examination has admitted that Balraj was not drawing any overtime. Therefore, it is held that

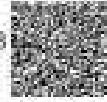


deceased Balraj Singh was drawing salary of Rs.53,448/- per month at the time of his death.

55. Learned counsel for petitioner Rani etc. has contended that deceased Balraj Singh was a bus driver and thus, he used to earn Rs.7,000/- to 15,000/- per month as overtime allowance besides his salary and he drawn my attention on the detail of overtime allowance of deceased as Ex.PW4/A and Ex.PW4/B which have been proved by PW4 Bhagwan Dev, Overtime Clerk. As per statement of PW4 Bhagwan Dev, the deceased Balraj was not driving overtime on every day for every month but as per him the detail of overtime is given in Ex.PW4/A. Perusal of the aforesaid document reveals that the amount of overtime was not uniform or fixed but variable from month to month. As the amount of overtime was variable and thus, it would be appropriate if the amount of overtime is taken lum-sum as Rs.3000/- per month. Thus, total income of deceased Balraj from salary including overtime is Rs.56,448/- per month(Rs.53,448/- salary + Rs.3000 overtime). Annual income of deceased comes out to Rs.6,77,376/-.

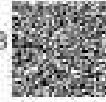
56. It is contended by learned counsel for insurance company that as per the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, petitioner Rani is getting Rs.55,656/- per month as salary on behalf of deceased husband Balraj Singh and therefore, this amount is to be deducted form the total compensation if awarded and in support of his contention, he has relied upon Reliance General Insurance Company Ltd. Versus Shashi Sharma and Ors. 2016 ACJ 2723 (S.C.).

57. Whereas learned counsel for respondent-insurance company refuted this arguments that the aforesaid ruling relied upon by learned counsel for the respondent-



insurance company has already been overruled by the Hon'ble Supreme Court of India in Sebastiani Lakra and others Versus National Insurance Co.Ltd. and another 2019 ACJ 34 holding that the amount received by the legal heirs of deceased under Employee's Benefits Scheme would not be deducted while computing the loss of income.

58. I have gone through both the rulings relied upon learned counsel for the parties. The Hon'ble Supreme Court of India while deciding the appeal of Sebastiani Lakra and others (Supra) observed that the Employee's Family Benefit Scheme is totally different from the rulings which were under consideration of this court in Reliance General Insurance Company Ltd. Versus Shashi Sharma (Supra). It was observed under this scheme that nominee or legal heirs of the deceased employee have to deposit the entire amount of gratuity and all other benefits payable to them on the death of employee. It was further held that the deduction cannot be allowed from the amount of compensation either on account of insurance or on account of pensionary benefits or gratuity or grant of employment to a kin of the deceased because all these amounts are earned by the deceased on account of contractual relations entered into by him with others. These amounts accrued to dependents or the legal heirs of the deceased on account of his death in a motor vehicle accident. The Hon'ble Supreme Court was of the view that natural corollary is that the advantage which accrues to the estate of the deceased or to his dependents as a result of some contract or act which the deceased performed in his lifetime cannot be said to be the outcome or result of the death of deceased even though these amounts may go into the hands of the dependents only after his death. Whereas the amounts of pension and

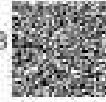


gratuity are paid on account of the service rendered by the deceased to his employer and hence pension and gratuity are the property of the deceased which are payable on death of an employee, whatever be the cause of death. Thus, ruling relied upon by learned counsel for the petitioners Rani etc. is fully applicable to the facts of the present case.

59. It is not in dispute that the last drawn salary of the deceased including D.A. was Rs.53,445/- per month. On this amount, the deceased would definitely have been paying some income tax. Since exact calculation of the income tax has not been given, thus, I found it proper to deduct Rs.1,500/- per month for this purpose. Thus, income of the deceased comes out to Rs.51,945/-. Now adding Rs.3000/- per month as overtime income, it comes to Rs.54,945/ per month say Rs.55,000/- per month. Thus, annual income of deceased comes to Rs.6,60,000/- (Rs.55,000/- x 12).

60. Now the question arises as to what should be the quantum of deduction on account of personal expenses of the deceased. In view of the law laid down in Sarla Verma and others Versus Delhi Transport Corporation (Supra), 1/3 of income of the deceased is deducted towards his personal and living expenses as there are three petitioners/dependents of deceased, while remaining 2/3 is taken as contribution to the family. Doing so, the annual loss of the income to the family comes to Rs.4,40,000/- (Rs.6,60,000/- minus Rs.2,20,000/-).

61. Since the deceased Balraj Singh was 48/49 years old as is clear from post mortem report Ex.P46, therefore, as per Sarla Verma and others Versus Delhi Transport Corporation (Supra), the suitable multiplier will be 13. On computation, the compensation on account of dependency comes to Rs.57,20,000/- (Rs.4,40,000/- x 13).



62. Apart from this, in view of National Insurance Company Limited Versus Pranay Sethi and others(Supra), petitioners are entitled to Rs.70,000/- on account of conventional heads namely loss of estate Rs.15,000/-, loss of consortium Rs.40,000/- and funeral expenses Rs.15,000/-.

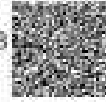
The total amount of compensation of petitioners comes to Rs.57,90,000/- (Rs.57,20,000/-+ Rs.70,000/-).

This issue is decided in favour of the petitioners and against the respondents.”

11. The findings returned by the learned Tribunal are well-reasoned, based on proper appreciation of evidence, and do not call for any interference by this Court.

12. A cumulative reading of the testimonies of PW1 Pooja Tanwar, PW3 Neetu (Conductor), and PW5 Randhir Singh reveals a consistent and trustworthy account of the manner in which the accident occurred. These witnesses have categorically deposed that the offending truck was stationed on the G.T. Road, near the divider, without any indicators, reflectors, or parking lights. Their presence in the front portion of the bus afforded them a clear and unobstructed view of the road ahead. Despite extensive cross-examination, their version remains unshaken and inspires confidence.

13. The learned Tribunal has rightly taken into consideration the prevailing foggy conditions at the time of the occurrence, which materially impaired visibility. In such circumstances, a heightened duty of care was cast upon the driver of the stationary vehicle. The act of parking a heavy vehicle in the middle of a highway, particularly near the divider and without any warning signals, constitutes a clear act of rashness and negligence.

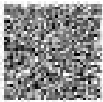


14. On the other hand, the evidence on record indicates that the bus driver was proceeding cautiously and at a moderate speed. Upon noticing the stationary truck, he made a bona fide attempt to avoid the collision by applying brakes and maneuvering the vehicle. However, given the sudden obstruction and poor visibility, the accident could not be averted. In these circumstances, no element of contributory negligence can be attributed to the bus driver.

15. The contention of the appellant-insurance company that the case involves contributory negligence has been rightly rejected by the Tribunal. The judgments relied upon by the appellant have been appropriately distinguished on facts. Conversely, the legal principles laid down in the precedents cited on behalf of the claimants, particularly in cases involving vehicles left unattended on the roadway without proper indication in conditions of poor visibility, are squarely applicable.

16. Moreover, the registration of a criminal case and submission of the report under Section 173 Cr.P.C. against the truck driver further corroborate the claimants' version. The absence of any material to show that the said prosecution was challenged or that the driver was falsely implicated lends additional support to the conclusion drawn by the Tribunal.

17. It is trite that in proceedings under the Motor Vehicles Act, the standard of proof is one of preponderance of probabilities and not proof beyond reasonable doubt. Applying this settled principle, and in light of the unrebutted ocular evidence coupled with attendant circumstances, this Court is satisfied that the Tribunal has rightly concluded that the accident occurred solely due to the rash and negligent act of the driver of the offending truck.



18. Accordingly, the finding of the learned Tribunal that the accident in question took place due to the sole negligence of the truck driver, who had parked the vehicle in the middle of the highway without any indication or warning, is hereby affirmed.

19. So far as the contention of learned counsel for the appellant-Insurance Company qua quantum of compensation being on higher side is concerned, the same is bereft of any merit.

20. A careful perusal of the impugned award makes it evident that the quantum of compensation determined by the learned Tribunal cannot, by any standard, be regarded as excessive; rather, it appears to be on the lower side. Accordingly, it is clarified that the dismissal of the present appeal shall not, in any manner, prejudice the right of the claimant to seek enhancement of compensation, if so advised, in accordance with law.

21. In view of the foregoing, the present appeal, being devoid of merit, stands **dismissed**.

22. Pending miscellaneous applications, if any, are also disposed of.

April 24th, 2026

Ayub/Sahil

(SUDEEPTI SHARMA)

JUDGE

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