



FAO-2148-2025 (O&M)

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

FAO-2148-2025 (O&M)

Reserved on : 05.12.2025

Date of Pronouncement : 29.01.2026

Date of Uploading : 31.01.2026

Oriental Insurance Company Limited

.....Appellant

Vs.

Seema and others

.....Respondents

*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. Harsh Aggarwal, Advocate,
for the appellant-Insurance Company.

None for the respondents.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 06.11.2024 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Sonipat (for short, 'the Tribunal'), whereby the appellant-Insurance company was held liable to pay the compensation to the claimants/respondents to the tune of Rs.20,32,000/- along with interest @ 7.5% per annum on account of death of Satyadev.

BRIEF FACTS OF THE CASE

2. The brief facts of the case are that on 26.11.2022, Satyadev (since deceased) was going on his bicycle from his village Fazilpur, District



Sonipat, to attend his duty at Den Block Private Limited Company, Sonipat. When he reached near FIMS Hospital, Sonipat, a bus bearing registration No.HR-69D-2499, being driven by respondent No.1 at a high speed, in a rash and negligent manner and in violation of traffic rules and regulations, came from behind and hit Satyadev. As a result of the said impact, the deceased fell on the road, sustained multiple serious and grievous injuries all over his body and his head struck against the road. He was immediately shifted to FIMS Hospital, Sonipat, where he was declared brought dead. In this regard, FIR No.537 dated 26.11.2022 under Sections 279 and 304-A IPC was registered at Police Station Sector-27, Sonipat, on the statement of Anurag, son of the deceased.

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

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

- “1. Whether the accident in question had taken place on 26.11.2022 near FIMS Hospital, Sonipat on account of rash and negligent driving by respondent No. 1, while driving offending Bus bearing registration No. HR-69D2499 resulting in death of Satyadev son of Shri Fagu, as alleged ?
OPP
2. If issue No. 1 is proved in affirmative, whether claimants are entitled to compensation. If so, how much and from whom ? *OPP*
3. Whether the claim petition is not maintainable in the present form ? *OPR.*
4. Whether the insured has violated the terms and conditions of insurance policy ? *OPR-3*



5. *Relief. ”*

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

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants/respondents to the tune of Rs.20,32,000/- along with interest @ 7.5% per annum on account of death of Satyadev and appellant-Insurance Company was held liable to pay compensation. Hence, the present appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE APPELLANT- INSURANCE COMPANY

7. Learned counsel for the appellant-Insurance Company contends that the learned Tribunal has erred in holding that the accident took place due to rash and negligent driving of offending vehicle. He further contends that no eye-witness qua the accident was examined before the learned Tribunal. Therefore, he prays that the present appeal be allowed and award be modified/reduced.

8. There is no representation on behalf of the respondents/claimants.

9. I have heard learned counsel for the appellant-Insurance and carefully perused the whole record of this Court with his able assistance.

10. Before proceeding further, it is relevant to reproduce the relevant portion of the award dated 06.11.2024 passed by the learned Tribunal:-



“ISSUE NO.1:

9. To prove that the accident dated 26.11.2022, in which deceased Satyadev lost his life, was result of sole rash and negligent driving of respondent No. 1 while driving offending Bus bearing No. HR69D-2499, claimants have relied upon the testimony of claimant No. 3 Anurag, who was also the author of FIR as PW-3. Vide his affidavit Ex. PW-3/A, PW-3 had asserted the manner of accident as was pleaded in the claim petition and as stated by him while lodging FIR No. 537 dated 26.11.2022 registered with Police Station Sector-27, Sonipat. He had asserted that accident had taken place due to sole rash and negligent driving of respondent No. 1 while driving the offending Bus without observing the traffic rules and regulations. However, during crossexamination, PW-3 had admitted that he had not witnessed the accident and he had received the phone call from the mobile phone of his father from Doctor on emergency duty in FIMS Hospital, Sonipat. He asserted that when he reached the spot, offending vehicle was lying there. Since, PW-3 had not witnessed the accident, his testimony is not sufficient to prove the manner of accident. No eye witness of the accident has been examined by claimants.

10. While appearing as RW-1, respondent No. 1 Naveen had asserted that he is employed as Driver with Haryana Roadways and on 26.11.2022, he was driving the Bus bearing registration No. HR-69D2499 from Sonipat to Delhi. The said journey was started by him on 26.11.2022 at about 2.00 p.m. from Sonipat for Delhi. He asserted that no accident had occurred with his vehicle on 26.11.2022 and he has no knowledge about this case and has been falsely implicated in the present case.

11. In his cross-examination, RW-1 stated that FIR No. 537 dated 26.11.2022, under Sections 279 / 304-A IPC stands registered against him with Police Station Sector-27, Sonipat, in which Investigating Officer had taken into custody his driving licence with registration certificate of offending vehicle. That charges in the said case have already been framed against him on 15.02.2023 and he has not moved to any Court against registration of said FIR or charges framed against him and he is still facing trial in the said case.



12. *Learned counsels for the respondents have challenged the involvement of offending vehicle as well as of respondent No. 1 in the accident. The main argument of learned counsel for the respondents is that PW-3 had not witnessed the accident and claimants have failed to examine any eye witness of the accident and as such, the facts mentioned in FIR cannot be taken to be gospel truth. That the respondent No. 1 and offending vehicle have been falsely implicated in the present case and this fact has also been duly stated by respondent No. 1 on oath while appearing as RW-1. It was further asserted that evidence of PW-3 is not sufficient to prove the case of claimants and respondent No. 1 and offending vehicle have been falsely involved only to grab the compensation.*

13. *On the other hand, learned counsel for claimants has argued that accident was the result of rash and negligent driving of offending vehicle by respondent No. 1. That factum and manner of accident can be gauged from the contents of FIR, which was promptly lodged, wherein the manner of accident and particulars of offending vehicle were duly mentioned. PW-3 had found offending vehicle lying at the spot itself. The offending vehicle was also seized by police from the spot. Registration number of offending vehicle and particulars of offending vehicle had come in public domain by way of FIR No. 537 dated 26.11.2022. Notice under Section 133 of Motor Vehicles Act was served upon owner of offending vehicle, who disclosed the particulars of respondent No. 1, followed by arrest of respondent No. 1 in criminal case. Final report under Section 173 Cr.P.C. Ex. P-4 was filed against respondent No. 1 and it is respondent No. 1 is facing trial for causing the accident, in which Satyadev had lost his life and there is no protest on the part of respondents qua registration of FIR against respondent No. 1 and charges framed against him by learned trial Court. Therefore, it is sufficient to conclude rash and negligent driving on the part of respondent No. 1. Learned counsel for the claimants further contended that mere non-examination of eye witness is not fatal for their case, as from the circumstances on the file, claimants have been successful in proving their case. The chain of circumstances in the present case is so complete that no other inference except for the rash and negligent driving of offending vehicle by respondent No. 1, can be drawn.*



Though no eye-witness has been examined by claimants, it can still be inferred that accident in question had taken place due to rash and negligent driving on the part of respondent No. 1 while driving the offending vehicle in view of the standard of proof i.e. preponderance of probabilities.

14. *On consideration of respective arguments raised by both the parties, I am in agreement with the arguments advanced by learned counsel for the petitioners that mere non-examination of eye-witness by itself is no ground to doubt the involvement of respondent / driver and offending vehicle in the accident. The involvement of driver and offending vehicle is dependent upon the facts and circumstances of each case. Motor Vehicles Act is beneficial legislature enacted to provide relief to accident victims without being bogged down by technicalities of law of evidence and also keeping in view socio-economic conditions prevalent in society.*

15. *In **Gurdeep Kaur Vs. Tarsem Singh**, 2008 (2) RCR (Civil) 774, it was held that the Tribunals established under the Motor Vehicles Act, are not governed by the rules of procedure envisaged by the Civil Procedure Code and the Tribunals are required to evolve their own procedure to meet the ends of justice, based on the principles of natural justice, equity and good conscience. The proceedings before the Tribunal are of summary nature wherein inquiry has to be conducted and the evidence is not to be scrutinized, in the manner, as is done in a civil or in a criminal case. In a criminal case, the rule is of proof beyond reasonable doubt and in civil cases, the rule is preponderance of probabilities and if there is some evidence before the Claims Tribunal to prove a fact, no nicety, doubt or suspicion should weigh with it, in deciding a Motor Accident Claims case. Hon'ble Delhi High Court in **National Insurance Company Limited Vs. Pushpa Rana & Ors.**, 2009 ACJ 287 (Delhi High Court) had held that certified copy of criminal court, such as, FIR, recovery memo and mechanical inspection report of vehicle are the documents of sufficient proof to reach the conclusion that driver was negligent and proceedings under Motor Vehicles Act are not akin to proceedings in a civil suit and hence, strict rules of evidence are not required to be followed in a claim case before Tribunal. In **Lakhu Singh Vs. Uday Singh**, 2008 (1) RCR (Civil)*



805 (P&H), it was held that while considering a claim petition, the Tribunal is required to hold an inquiry and not to act as a Criminal Court so as to find whether the claimants have established the occurrence beyond any shadow of doubt. In the inquiry, if there is prima facie evidence of the occurrence, there is no reason to disbelieve such evidence. The statements of witnesses coupled with the facts of registration of FIR and trial of the accused in a criminal court are sufficient to arrive at conclusion that the accident has taken place. Therefore, case of claimants has to be tested upon touchstone of standard of proof i.e. 'preponderance of probabilities'.

16. Admittedly no eye witness was examined by the claimants. PW-3 has fairly admitted that he had not witnessed the accident. The case of claimants is, therefore, dependent upon the circumstances, from which the involvement of offending vehicle and rash and negligent driving on the part of its driver has to be gathered. On the other hand case is being opposed by respondents for non examination of eye-witness by the claimants and as respondent No. 1 while appearing as RW-1 has denied the accident in totality.

17. Eye witness account of accident is the easiest method to prove accident and negligence of driver of offending vehicle. However, it is not the only way to determine issue of negligence. Accident is sudden occurrence and many a times eye witness is not available or even if available is either won over by other side or is not interested in deposing in the Court for various reasons. The reasons are many for such attitude. As per law, a fact can be established by way of direct evidence or by circumstantial evidence. Maxim '**res ipsa loquitur**' i.e. "**the thing speaks for itself**" is also applicable to motor accident claim cases. Therefore, even in absence of direct eye witness account, Court can find out whether accident had taken place on account of negligent driving of driver of offending vehicle from the circumstantial evidence available on record on the touchstone of standard of proof "preponderance of probability".

18. To prove their case, claimants have relied upon the contents of FIR No. 537 dated 26.11.2022, seizure memo dated 26.11.2022 vide which offending vehicle and bicycle of deceased were taken into police possession from the spot, notice under Section 133 of Motor Vehicles Act dated 28.11.2022 and mechanical



examination report of offending vehicle dated 28.11.2022 (all forming part of final report under Section 173 Cr.P.C. Ex. P-4) and final report under Section 173 Cr.P.C. Ex. P-4.

19. *In the present case, perusal of FIR and complaint made by PW-3 to police, both forming part of Ex. P-4, shows that manner of accident and registration number of offending Bus are mentioned with consistent details by author of FIR i.e. PW-3. The contents of FIR have been duly proved by PW-3 being author of FIR. Claimants in their claim petition as well as claimant No. 3 / author of FIR while appearing as PW3 had described the manner of accident as pleaded by claimants and as was stated by him while lodging the FIR. Within few hours of the accident, the registration number and make of offending vehicle had come in public domain. Perusal of seizure memo dated 26.11.2022 (forming part of Ex. P-4) goes to show that ill-fated bicycle and offending Bus were taken into police possession from the spot itself on 26.11.2022. Registration number of offending vehicle was mentioned in FIR, accordingly, Investigating Officer served notice dated 28.11.2022 under Section 133 of the MV Act (forming part of final report under Section 173 Cr.P.C. Ex. P-4) upon respondent No. 2. Proprietor of respondent No. 2 namely Sanjeev Kumar son of Shri Jogi Ram had made his written endorsement on the said notice itself that his firm is owner of offending Bus and on 26.11.2022, Naveen son of Shri Ram Karan, resident of village Mehlnana, District Sonipat i.e. respondent No. 1 was driving their Bus and he assured to produce respondent No. 1 before police at the earliest. In response to the said notice, respondent No. 2 had not denied that his Bus never met with an accident and he simply disclosed that respondent No. 1 was the driver on his Bus on 26.11.2022 and he instead of denying involvement of their vehicle in the accident had stated that he would produce respondent No. 1 as soon as possible. The mechanical examination of offending Bus, which was taken in possession on 26.11.2022 from spot, was conducted on 28.11.2022 i.e. within two days of the accident. Vide report dated 28.11.2022 annexed with report under Section 173 Cr.P.C. Ex. P-4, as per which following damages were found by the Motor Mechanic :-*

➤ Bend below the left front bumper and head light with broken left indicator;



➤ Dent under the rear brake light and removed paint; and

➤ Scratches on the right side and paint removed;

Respondents No. 1 and 2 have failed to explain presence of their vehicle at the spot immediately after accident in damaged condition. The above mentioned circumstances corroborate the contents of FIR in which the registration number of offending vehicle has been duly mentioned and case set up by claimants regarding involvement of offending vehicle and rash and negligent driving of respondent No. 1.

20. In view of the above mentioned circumstances, which corroborate the contents of FIR and testimony of PW-3, mere nonexamination of eye witness in the present case is not fatal to the case of claimants. The findings upon the issue of negligence are totally dependent upon the facts and circumstances of each case. There is no hard and fast rule that in each and every case negligence can only be proved by examining eye-witness. It is also not mandatory to believe eye-witness account if an eye-witness is examined. It all is dependent upon the facts and appreciation of evidence in each case. The Court has to conclude rashness and negligence as per the facts and circumstances placed before it by way of admissible evidence. Respondent No. 1 while appearing as RW-1 has asserted that though, he was on duty on the offending vehicle on 26.11.2022, but his Bus had not met with any accident and asserted his false implication. However, in his cross-examination, RW-1 has admitted that he has not made any complaint regarding his alleged false implication, registration of FIR against him and framing of charges against him. Besides his self-serving testimony, which also does not inspire confidence, no evidence has been led by respondent No. 1 to prove his assertions that no accident was caused by him while driving offending Bus. RW-1 has failed to explain abandonment of offending vehicle at place of accident and damage to it. Accordingly, the self serving and uncorroborated assertions of respondent No. 1 regarding total denial of accident and involvement of offending vehicle and respondent No. 1 in the accident are not believable, whereas the assertions made by PW-3 and claimants are duly corroborated by contents of FIR, recovery of offending vehicle from the spot itself in damaged condition as well as conclusion of investigating agency that accident had taken place due



to rash and negligent driving on the part of respondent No. 1. As such, the evidence led by claimants to prove their case is more convincing than the bald statement of respondent No. 1.

*21. Hon'ble High Court in **Girdhari Lal Vs. Radhey Shyam**, 1993 (2) PLR 109 had held that if the driver of the offending vehicle is challaned by the police and is facing trial for causing accident due to rash and negligent driving, it is safe to presume that accident had taken place due to rash and negligent driving on his part. In present case after registration of FIR, matter was investigated and as per investigation, investigating agency had concluded that it was rash and negligent driving on the part of respondent No. 1 while driving the offending Bus, which resulted into accident leading to loss of life of deceased Satyadev. This conclusion of investigating agency was followed by filing of final report under Section 173 Cr.P.C. (Ex. P-4) against respondent No. 1 for the commission of offence punishable under Section 279 / 304-A IPC and framing of charges vide charge-sheet dated 15.02.2023, which is part of Ex. P-4. Registration of FIR and trial of the accused in a criminal Court are sufficient to arrive at conclusion that the accident has taken place due to rash and negligent driving of respondent No. 1 while driving vehicle No. HR-69D-2499.*

22. There is also no evidence on record that respondents No. 1 and 2 ever filed any representation before higher authorities against alleged false implication of respondent No. 1 and offending vehicle. Their silence for such a long period also goes against them.

23. If the above mentioned circumstances, evidence led by claimants, recovery of offending vehicle and ill-fated bicycle from the spot, mechanical report dated 28.11.2022 showing damage to front portion of Bus, fact that respondents have failed to rebut the case of claimants and that it is respondent No. 1 who is facing trial for causing accident without any protest, are tested upon standard of proof i.e. preponderance of probability, the only conclusion which can be drawn is that accident in question resulting in the death of Satyadev took place on account of rash and negligent driving on the part of respondent No. 1 while driving the offending Bus bearing registration No. HR-69D-2499. Issue No. 1 is



accordingly, decided in favour of claimants and against respondents.

ISSUE NO. 2:

Income of deceased & dependency of claimants :

24. *Claimant No. 1 - wife and claimants No. 2 to 4 - sons of deceased have sought compensation of Rs. 1.00 crore and asserted that deceased Satyadev was 46 years old, employed with Den Block Private Limited Company, Bahalgarh, District Sonipat and was drawing salary of Rs. 17,000/- per month. These assertions have been reiterated by his son namely Anurag while appearing in the witness box as PW-3.*

25. *To prove the employment and income of deceased Satyadev, claimants have placed reliance upon the testimony of PW-1 Sunil Kumar, Executive, M/s Den Block Brakes, Bahalgarh, Sonipat. PW-1 had brought the summoned record pertaining to employment and salary of deceased with the said company and stated that deceased Satyadev was working as Operator in their company since 01.05.2012 and was drawing salary of Rs. 13,396/- per month, which does not include the incentive and overtime. He further asserted that incentive for full attendance is Rs. 2,000/- and overtime is paid separately. He tendered salary slips of deceased as Ex. P-1 and Ex. P-2 as well as his authority letter as Ex. P-3.*

26. *In his cross-examination, PW-1 stated that as per Ex. P-1 and Ex. P-2, deceased was the permanent employee of their company.*

27. *Perusal of salary slips Ex. P-1 for October, 2022 and Ex. P-2 for November, 2022 shows that deceased was employed as Operator with the said company vide employee ID No. 4010192 having ESI No. 1320077468 and mode of payment of salary was bank account No. 01911050098926 with HDFC Bank Ltd. Perusal of salary slips Ex. P-1 and Ex. P-2 goes to show that gross salary of deceased was Rs. 13,396/- per month. The above mentioned evidence qua occupation and income of deceased has gone unrebutted and no evidence to prove to the contrary has been led by respondents. As such, the evidence led by claimants with regard to employment of deceased with said company and his salary of Rs. 13,396/- per month is trustworthy. Accordingly, the monthly income of deceased is taken as **Rs. 13,396/- per month.***



28. Petitioners have pleaded age of deceased to be 46 years. In salary slips Ex. P-1 and Ex. P-2, date of birth of deceased Satyadev is mentioned as 29.08.1976. Accident had taken place on 26.11.2022. No evidence has been led by either of the parties to prove the age of the deceased to the contrary. Accordingly, the age of the deceased is taken to be 46 years. Deceased was 46 years of age and as such, multiplier of 13 has to be applied in view of law laid down in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (3) RCR (Civil) 77. To determine loss of dependency, personal / living expenses being incurred by deceased on himself needs to be deducted from assessed notional monthly / annual income of deceased. Keeping in view number of dependents i.e. claimants, who are four, 1/4th of total income needs to be deducted, towards personnel expenses.

29. Hon'ble Supreme Court of India in **National Insurance Company Vs. Pranay Sethi and Ors.**, 2017 (4) RCR (Civil) 1009 has held that in case deceased was self employed and earning established income and his / her age was between 40 to 50 years, 25% amount has to be added to the income towards future prospects.

30. In view of law laid down in **National Insurance Company Limited Vs. Pranay Sethi & Ors. (supra)** the claimants shall also be entitled to compensation of Rs. 16,500/- as compensation for funeral expenses and Rs. 16,500/- as compensation for loss of estate and claimant No. 1 shall also be entitled to compensation of Rs. 40,000/- for loss of spousal consortium.

31. Keeping in view age of deceased, after applying **future prospects to the extent of 25%**, applying multiplier of 13 and by deducting **1/4th of total income** towards **personnel expenses**, claimants are thus entitled to get compensation under following different heads:-

Income of deceased	Rs. 13,396/- per month	Rs. 1,60,752/- per annum (Rs.13,396/- x 12 months)
Addition towards future prospects	25%	Rs. 16,745/- per month (Rs. 13,396/- + Rs. 3,349/-) i.e. Rs. 2,00,940/- per annum



<i>Deduction on account of personal expenses of deceased</i>	<i>1/4th, as deceased was survived by four legal representatives i.e. claimants</i>	<i>Rs. 50,235/- (1/4th of Rs. 2,00,940/- total annual income)</i>
<i>Total Loss of dependency</i>	<i>Rs. 1,50,705/- (Rs. 2,00,940/- - total annual income - Rs. 50,235/- 1/4th of income)</i>	<i>Rs. 1,50,705/-</i>
<i>Selection of multiplier and total loss of dependency</i>	<i>13 (Rs. 1,50,705/- loss of income x 13 multiplier)</i>	<i>Rs. 19,59,165/-</i>
<i>Funeral expenses</i>		<i>Rs. 16,500/-</i>
<i>Loss of estate</i>		<i>Rs. 16,500/-</i>
<i>Loss of spousal consortium to claimant No. 1</i>		<i>Rs. 40,000/-</i>
<i>Total compensation</i>		<i>Rs. 20,32,165/- rounded to Rs. 20,32,000/-</i>

Issue No. 2 is accordingly decided in favour of claimants and against respondents.

ISSUE NO. 3:

32. Onus to prove this issue was upon respondents. However, no evidence has been led by respondents to prove that the present petition is not maintainable in the present form. Accordingly, issue No. 3 is decided against respondents.

ISSUE NO. 4:

*33. **Who is liable to pay compensation** : No evidence has been led by respondent No. 3 that either respondent No. 1 was not holding valid driving license or to show that insurance company is not liable to pay compensation on account of any violation on the part of*



respondent No. 1. Perusal of insurance policy Ex. R-5 reveals that at the time of accident offending vehicle was insured with respondent No. 3. Perusal of driving licence of respondent No. 1 Ex. R-1 shows that respondent No. 1 was holding valid driving licence to drive transport vehicles and the same is valid till 09.05.2026. Perusal of certificate of fitness of offending vehicle Ex. R-3 shows that the same was valid w.e.f. 18.02.2022 to 21.02.2024. Perusal of route permit of the offending vehicle Ex. R-4 shows that route of the offending vehicle was from Sonipat to Delhi and same was valid till 19.11.2023. All the respondents are, therefore, liable to pay compensation as accident was result of rash and negligent driving of respondent No. 1, respondent No. 2 being owner and respondent No. 3 being under agreement of insurance. Respondents are liable to pay compensation jointly and severally. Issue No. 4 is decided against respondent No. 3.”

11. A perusal of the impugned award demonstrates that the learned Tribunal has correctly and judiciously returned a finding that the accident in question occurred due to the rash and negligent driving of the offending vehicle by respondent No. 1–Naveen, the driver of the offending bus.

12. It emerges from the record that the accident took place on 26.11.2022 and that the FIR pertaining thereto was promptly registered on the very same day, being FIR No. 537 dated 26.11.2022. The FIR was lodged by Anurag (PW-3), who categorically stated therein that the accident occurred due to the sole rash and negligent driving of the respondent driver while driving the offending bus bearing registration No. HR-69D-2499. The prompt lodging of the FIR lends assurance to its veracity and rules out any possibility of false implication or embellishment.

13. It further transpires from the record that respondent No. 1, the driver of the offending vehicle, is facing criminal trial in respect of the said



accident and that charges under Sections 279 and 304-A IPC have already been framed against him. PW-2, the Criminal Ahlmad, duly proved the challan and charge-sheet (Ex. P-4), thereby establishing that upon investigation, the competent investigating agency found sufficient material to prosecute respondent No. 1 for causing the accident due to his rash and negligent driving. It is a settled proposition of law that registration of FIR followed by filing of a charge-sheet constitutes strong prima facie evidence of negligence on the part of the driver of the offending vehicle in motor accident claim cases.

14. Additionally, the record reveals that the offending bus was taken into police possession from the spot of the accident itself. The mechanical inspection report further corroborates the occurrence of the accident, as it records the following damages to the offending vehicle:

- Bend below the left front bumper and headlight with broken left indicator;
- Dent below the rear brake light with paint removed; and
- Scratches on the right side with paint removed.

15. The respondents have utterly failed to furnish any plausible explanation for the presence of the offending vehicle at the place of occurrence in a damaged condition immediately after the accident. These circumstances lend strong corroboration to the contents of the FIR and the



version set up by the claimants regarding the involvement of the offending vehicle and the rash and negligent conduct of respondent No. 1.

16. As regards the contention raised by the appellant—Insurance Company that no eyewitness to the accident was examined and, therefore, the learned Tribunal erred in holding the respondent driver negligent, the said argument is wholly devoid of merit. It is well settled that proceedings under the Motor Vehicles Act are governed by the standard of proof of preponderance of probabilities and not proof beyond reasonable doubt. A claim petition cannot be dismissed merely on the ground that no eyewitness to the accident has been examined. The Tribunal is required to assess negligence on the basis of the overall evidence and attendant circumstances brought on record.

17. In the present case, the respondent-claimants have successfully established, on the touchstone of preponderance of probabilities, that the accident occurred due to the rash and negligent driving of the respondent driver. The prompt FIR, impounding of the offending vehicle from the spot, the mechanical inspection report reflecting fresh damage, the filing of the charge-sheet, and the fact that respondent No. 1 is facing criminal trial without any protest cumulatively form a complete chain of circumstances pointing unerringly towards his negligence.

18. Accordingly, the findings returned by the learned Tribunal on the issue of rash and negligent driving are well-reasoned, based on proper



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appreciation of evidence, and suffer from no illegality or perversity. The same do not call for any interference by this Court and are hereby affirmed.

19. Consequently, the present appeal is hereby **dismissed**.

20. The statutory amount of Rs.25,000/- deposited by the appellant-Insurance Company at the time of admission of the appeal, is ordered to be refunded to it.

21. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

29.01.2026

Virender

Whether speaking/non-speaking	: Speaking
Whether reportable	: Yes/No