



141 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1851-2026 (O&M)
Date of Decision: 06.04.2026

AMRITPAL SINGHAppellant
Versus
RAJINDER SINGH ...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ajay Pal Singh Rehan, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

Appellant/driver of offending vehicle is aggrieved by impugned award dated 15.11.2025, passed by learned Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as ‘Tribunal’) vide which compensation of Rs.6,90,982/- was awarded to claimant/respondent on account of injuries suffered by him in the accident dated 23.02.2022 caused by appellant/driver of offending vehicle while driving Indigo car bearing registration No.PB-06-H-3577 (hereinafter referred to as ‘offending vehicle’).

2. Learned Tribunal awarded following compensation to the respondent/claimant : -

Pecuniary damages (Special Damages)	
(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure occasioned during the period of treatment and recovery.	Rs.5,75,982/-
(ii) Loss of earnings (and other gains) which the injured would have made had he not been injured.	Rs.40,000/-
Non-pecuniary damages	
(iii) Damages for pain, suffering and trauma as a consequences of the injuries.	Rs.25,000/-
(iv) Loss of amenities	Rs.25,000/-
(v) Loss of expectation of life (shortening of normal longevity).	Rs.25,000/-
Total compensation (i) + (ii) + (iii) + (iv) + (v)	Rs.6,90,982/-

3. Learned counsel for appellant/driver of offending vehicle has challenged the finding of learned Tribunal on issue No.1 and also the quantum of compensation. As far as issue No.1 is concerned, learned Tribunal has rightly decided the same in favour of respondent/claimant after appreciating evidence led before it. Admittedly, respondent/claimant had appeared as CW1 and has also examined his Uncle Swaran Singh as CW2 who had also witnessed the accident. Both the injured claimant and eye witness to accident had duly stated that accident was result of rash and negligent driving of appellant/driver of offending vehicle. They were put to detailed cross-examination, however, nothing could be shown from cross-examination as to doubt their testimonies. Appellant/driver of offending vehicle had failed to appear and rebut the evidence and manner of accident as was stated by CW1 and CW2. It is also admitted fact that FIR was registered against the appellant/driver of offending vehicle and after due investigation final report under Section 173 Cr.P.C. Ex.C1 was also filed against appellant/driver of offending vehicle. It is appellant/driver of offending vehicle who is facing trial for causing the accident.

4. On one hand, the manner of accident stands proved by un rebutted evidence of CW1 and CW2 which is further corroborated by registration of FIR against appellant/driver of offending vehicle as well as the fact that it is appellant/driver of offending vehicle who is facing trial. Therefore, if the evidence noted above which is also noted by learned Tribunal is tested on the touchstone of preponderance of probability which is standard of proof in motor accident cases, then the conclusion drawn by learned Tribunal cannot be faulted with. Accordingly, the finding of learned Tribunal on issue No.1 cannot be faulted with.

5. Learned counsel for appellant/driver of offending vehicle has also challenged the award of Rs.5,75,982/- towards treatment, hospitalization, medicines, transportation, special diet, attendant cost and other miscellaneous expenditures. Respondent/claimant duly proved his medical expenses and has placed admission and discharge slip of Guardian Hospital, Jalandhar for the month of February 2022 and March 2022. Respondent/claimant has also duly proved bills and medical receipts as Ex.C5 to Ex.C92 showing total expenditure on medical treatment to the extent of Rs.5,35,982/-. Rs.40,000/- has been awarded as amount spent by respondent/claimant towards hospitalization, transportation, special diet and miscellaneous expenses for the period subsequent to his discharge and said period after discharge is taken as four months. From the nature of treatment and period of hospitalization, the amount spent and proved through Ex.C5 to Ex.C92 cannot be held to be excessive. The argument that Ex.C5 to Ex.C92 were not proved by examining author of bills and medical receipts is without any basis as no objection was taken at the time of exhibiting said documents. If the documents have not been challenged by appellant/driver of offending vehicle at the time of their exhibition, then in motor accident claim cases, where Court is not conducting a trial, but is conducting inquiry, strict principle of evidence shall not be applicable. Appellant/driver of offending vehicle was free to show that any of the bills or expenses incurred and shown vide Ex.C5 to Ex.C92 were not spent or actually incurred by respondent/claimant. However, no such evidence was led by appellant/driver of offending vehicle. The entire case of appellant/driver of offending vehicle is based upon simple denial, without there being any evidence, hence the conclusion drawn by learned Tribunal cannot be faulted with.

- 6. Appeal is without any merit, hence is dismissed.
- 7. Pending application(s), if any, is/are disposed of accordingly.

06.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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