



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

(225)

**FAO No. 1890 of 2004(O&M)
Date of Decision : 22.01.2026**

Gurcharan Singh

... Appellant

Versus

National Insurance Company Ltd. & others

... Respondents

CORAM : HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Surinder Garg, Advocate
for the Appellant.

Mr. Rajbir Wasu, Advocate
for the Respondent No. 1/Insurance Company

VIRINDER AGGARWAL, J.(Oral)

1. The present appeal has been preferred by the claimant–appellant against the award dated 10.01.2004 passed by the learned Motor Accident Claims Tribunal, Faridkot, whereby the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 was dismissed, primarily on the ground that the claimant had failed to establish a direct nexus between the accident and the injuries allegedly suffered by him. The appellant seeks setting aside of the impugned award and grant of just and reasonable compensation for the injuries sustained by him in a motor vehicular accident.

BACKGROUND FACTS

2. Briefly stated, on 09.12.2001 at about 5.40 a.m., the appellant along with other occupants was travelling in a car bearing registration No. CH-01-E-5216 from Village Kasam Bhatti towards Village Mehmuana after attending a marriage ceremony. When the car reached near Achar Factory on Faridkot–



Kotkapura Road, a Jeep bearing registration No. GJ-12-A-8806, driven by respondent No.2 in a rash and negligent manner, came from the opposite direction and violently struck the car. As a result of the impact, all the occupants of the car sustained injuries. Two occupants succumbed to the injuries. The present appellant sustained multiple injuries including injuries to the right eye and fracture of the left leg. FIR No. 169 dated 09.12.2001 under Sections 304-A, 279, 337, 338 IPC was registered. The appellant was immediately shifted to Guru Gobind Singh Medical College and Hospital, Faridkot. He remained under treatment for a considerable period. Subsequently, due to deterioration of vision and infection, his right eye had to be surgically removed. He also underwent treatment for fracture and other bodily injuries. The appellant filed a claim petition seeking compensation of ₹10,00,000/- pleading that he was about 50 years of age, engaged in agriculture, dairy farming and manual labour, earning approximately ₹7,000/- per month and had suffered permanent disability, loss of earning capacity, pain, suffering and loss of amenities of life.

3. The learned Tribunal framed issues regarding occurrence of the accident, rash and negligent driving, entitlement to compensation and validity of driving licence. Though the learned Tribunal noticed that the accident had occurred and the appellant had remained hospitalized, it dismissed the claim petition mainly on the grounds that there was no documentary proof of medical expenditure and the eye injury was treated much later and therefore nexus with the accident was not established. That no doctor who performed the eye surgery was examined. That absence of bills and receipts rendered the claim doubtful. That the claimant failed to strictly prove the injuries as a consequence of the accident. On this reasoning, the learned Tribunal held that the claimant failed to



connect his injuries with the accident and therefore was not entitled to any compensation.

CONTENTIONS

4. Learned counsel for the appellant submits that the impugned award suffers from gross misappreciation of evidence and erroneous application of legal principles. It is argued that proceedings under the Motor Vehicles Act are summary in nature and the standard of proof is preponderance of probabilities, not proof beyond reasonable doubt as in criminal trials. It is further contended that medical evidence on record clearly establishes that the appellant suffered injuries in the accident, remained hospitalized, underwent prolonged treatment and ultimately lost his right eye. The testimony of treating doctors and hospital records were ignored without justification. It is urged that merely because some bills were not produced, the claim could not have been rejected when hospitalization and treatment stood duly proved. It is further submitted that the learned Tribunal adopted a hyper-technical approach, defeating the very object of the benevolent legislation.

5. Learned counsel for the Insurance Company supports the impugned award and submits that the claimant failed to prove exact medical expenditure and failed to establish a direct connection between the accident and the eye injury. It is contended that the absence of surgical records and delay in eye treatment creates doubt about the claim.

OBSERVATIONS AND FINDINGS

6. I have heard the learned counsel for the parties at length, perused the paper book, and carefully examined the evidence on record. The primary question in this appeal is whether the learned Tribunal erred in dismissing the



claim by holding that the appellant failed to prove the nexus between the accident and his injuries.

7. At the outset, it must be reiterated that proceedings under the Motor Vehicles Act are not criminal proceedings. The claimant is not required to prove his case beyond reasonable doubt. The standard of proof is that of preponderance of probabilities. The learned Tribunal is required to adopt a pragmatic, humane and liberal approach keeping in view that the Act is a beneficial and social welfare legislation intended to grant just compensation to victims of road accidents. Claims cannot be rejected on mere technicalities, conjectures or minor discrepancies when the overall evidence points towards occurrence of accident and resultant injuries.

8. In the present case, the occurrence of the accident is not seriously disputed. FIR(*Supra*) was registered. Multiple occupants suffered injuries and two persons lost their lives. The appellant examined himself and several doctors. As per testimonies of witnesses namely Sanjiv Kumar (AW1), Dr. S.S. Sandhu (AW4), hospital record (OPD entry no. C5077) and bed head ticket (Ex. A1, 13 pages, proved by Dr. Rajjit Singh AW5) that the appellant was taken to Government Medical College on 09.12.2011 and admitted by Dr. Kuldeep Goyal EMO through emergency department and unequivocally recorded the accident-related injuries and he was discharged on 15.12.2001 after stabilization. Right eye trauma (call to eye surgeon), nasal bleeding (ENT intervention with nasal packing), left leg injury (X-ray and orthopedic call), and general surgical care with two blood transfusions also stand duly proved. Further, the medical witnesses deposed that the appellant had suffered trauma, bleeding, fracture and later developed corneal ulcer leading to loss of eye.



9. The re-admission on 19.03.2002 to 01.04.2002 (eye department) for corneal ulcer is a natural progression of untreated or complicated eye trauma from the accident. Dr. Ramesh Bajaj (AW2) deposed that the patient gave history of a accident (matching 09.12.2001) leading to pain, redness, discharge, and vision diminution, culminating in perforation despite treatment. The mention of "20 days before admission" appears to be a clerical error or misrecording, as the primary history points to the December incident. No evidence suggests a separate February accident and thus the respondents' plea of collusion is unsubstantiated conjecture. The learned Tribunal ignored that eye injuries from vehicular trauma often manifest delayed complications, such as infections or ulcers. Medical science recognizes that eye complications may manifest gradually after trauma or infection. The learned Tribunal erred in assuming that absence of immediate surgery negates causation. Particularly when there is evidence on record that he was admitted in Hospital with injury including eye injury on the day of accident in question and was discharged on 15.12.2001 after stabilization. It is well settled that strict rules of evidence are not to be applied rigidly in MACT cases. Once hospitalization and continuous treatment are proved, a reasonable inference of connection must be drawn unless strong contrary evidence exists, which is absent here.

10. The appellant remained under medical supervision and was treated for nasal bleeding, leg injury and eye complications. The eye deteriorated despite treatment and was ultimately removed. He remained hospitalized for a considerable period and underwent prolonged treatment. The learned Tribunal completely ignored this chain of medical evidence and adopted a speculative approach. The learned Tribunal rejected the claim mainly because bills and receipts were not produced. This approach is legally unsustainable. In view of



the appellant’s precarious mental and physical state, it is reasonable to infer that he was not in a position to preserve the medical bills. Thus, when hospitalization, treatment and injury are proved by medical evidence, reasonable estimation of medical expenses is permissible. The claim cannot be discarded on this ground alone. Therefore, the finding of the learned Tribunal that the claimant failed to establish nexus between accident and injuries is perverse and unsustainable. The Motor Vehicles Act is a piece of social welfare legislation. The learned Tribunal is duty bound to award just compensation rather than defeat legitimate claims by hyper-technical scrutiny. The impugned award reflects an approach inconsistent with the settled principles governing motor accident claims.

QUANTUM OF COMPENSATION (ESTIMATION)

11. In the absence of any documentary evidence regarding medical bills, proof of eye surgery, or cogent proof of actual income of the injured, the compensation is required to be assessed on a lump-sum basis by applying reasonable estimation. Keeping in view the date of accident, the age of the injured, the nature and gravity of injuries sustained, period of hospitalization, alleged treatment, and the extent of residual disability, a consolidated compensation under both pecuniary and non-pecuniary heads, including loss of income due to disability, is liable to be awarded as per the judgement of ***Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343***, as under:

Head	Amount (₹)
Medical Expenses (estimated)	50,000/-
Pain and Suffering	30,000/-



Loss of Amenities	20,000/-
Special Diet & Attendant	20,000/-
Transportation	15,000/-
Loss of Income during Treatment (Lump-sum)	30,000/-
Permanent Disability / Functional Loss (Lump-sum)	1,50,000/-
Total	3,15,000/-

12. In view of the foregoing discussion, the appeal is **allowed**. The impugned award dated 10.01.2004 passed by the learned Motor Accident Claims Tribunal, Faridkot is set aside. The appellant is held entitled to compensation of ₹3,15,000/- along with interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability to pay shall remain joint and several upon the respondents, with the insurer being liable to indemnify.

13. Since the main appeal stands decided, pending any miscellaneous application(s), if any, also stands disposed of.

(VIRINDER AGGARWAL)
JUDGE

22.01.2026
Saurav Pathania

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No