

2026:PHHC:079359



-1-

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

FAO-2971-2026 (O&M)
Date of Decision: 20.05.2026

THE NEW INDIA ASSURANCE COMPANY LIMITED

...Appellant

Versus

HALIMAN AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Meenakshi Bali, Advocate for
Mr. Krishna Kant, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

CM-10740-CII-2026

For the reasons stated in the application for condonation of delay of 33 days in filing the appeal, the same is allowed. Delay in filing the appeal is condoned.

Main Case

Present appeal has been preferred by appellant/insurance company being aggrieved by award dated 05.12.2025, passed by learned Motor Accident Claims Tribunal, Nuh (hereinafter referred to as 'Tribunal') whereby total compensation of Rs.18,95,800/- was awarded to claimants on account of untimely death of Akkar (hereinafter referred to as 'deceased') who died in motor vehicular accident dated 13.01.2023 caused due to rash and negligent driving of respondent/driver while driving vehicle bearing No.HR-50-G-3707 (hereinafter referred to as 'offending vehicle').

2. Learned counsel for appellant/insurance company is challenging

the finding of learned Tribunal on issue No.1 that it was respondent/driver who had caused the accident by his rash and negligent driving, and had accordingly granted compensation to the claimants i.e. LRs of deceased.

3. Learned counsel for appellant/insurance company has argued that present is a case wherein offending vehicle owned by respondent/owner was falsely involved. In the present case accident had occurred on 13.01.2023, deceased died on 15.01.2023 and FIR was lodged only on 18.01.2023 by father of deceased. Learned counsel for appellant/ insurance company has argued that in the present case FIR is highly belated. Reference has also been made to Annexure A-3, an application moved by brother of deceased before the hospital authorities for not conducting postmortem examination of the dead body of deceased on the plea that they did not want to take any action in the present case and death has occurred on account of motorcycle accident.

4. On consideration, I do not find any merit in the contentions raised on behalf of appellant/insurance company. In the present case, neither brother nor father of deceased had seen the occurrence. Even on 15.01.2023 when brother of deceased had moved application (Annexure A-3), he had clearly stated that deceased had died in a motor vehicular accident while riding motorcycle and had not stated anywhere that any other vehicle was not involved in causing the accident as he had not seen the occurrence, therefore, he could not have stated so. Similarly, while lodging FIR, father of deceased gave the particulars and manner of accident as was collected by him from persons present at the time of occurrence including PW2-Jakar who claimed himself to be eye witness to the accident dated 13.01.2023. It must not be forgotten that in a motor vehicular accident case, lodging of FIR

is not per-requisit as FIR has only limited usage and purpose in motor accident cases. It is only to corroborate and to test veracity of testimony of witnesses with regard to involvement of vehicle and manner of accident.

5. In the present case, accident had occurred on 13.01.2023, and deceased had died on 15.01.2023 during treatment in hospital and postmortem was conducted on 16.01.2023 which goes to show that family members of deceased were not aware about the manner of occurrence and were involved in taking care of deceased till 16.01.2023 and it was only after that, they must have made inquiries and had lodged the FIR on 18.01.2023.

6. The facts and circumstances of the present case duly explain that time taken in lodging FIR was not intentional or with purpose of falsely implicating the vehicle of respondent/owner but rather was on account of circumstances noted above. In the present case, claimants have duly examined PW2-Jakar who has claimed himself to be the eye witness of the occurrence. Admittedly, PW2-Jakar is also a police witness in a trial wherein respondent/driver is facing trial for causing the accident. Neither respondent/driver nor respondent/owner had stepped into the witness box to challenge or rebut the evidence of PW2 who had stated manner of accident which is in line with what was disclosed by father of deceased at the time of lodging of FIR and at the time of filing of claim petition. Therefore, there is total lack of evidence which could challenge the otherwise reliable and cogent evidence of PW2. The evidence of PW2 with regard to manner of accident has gone unchallenged and unrebutted and, therefore, learned Tribunal has rightly relied upon the same to conclude that accident dated 13.01.2023 wherein deceased had died was on account of rash and negligent driving of respondent/driver.

7. Learned counsel for appellant/insurance company has also made reference to postmortem report dated 16.01.2023 wherein it has been mentioned that accident had taken place because an animal had suddenly come in front of the motorcycle, however, perusal of Annexure A-4 i.e. postmortem report dated 16.01.2023 which was duly placed before learned Tribunal as Ex.P26, goes to show that the said fact was recorded only on the basis of information furnished by police. Admittedly, no police official was present at the time of occurrence. Therefore, such information recorded in the postmortem report, in the absence of any FIR would not adversely affect the case of claimants, who have otherwise succeeded in proving their case and involvement of offending vehicle by examining eye witness.

8. I do not find any error in the findings of learned Tribunal, same is based upon appreciation of evidence led by parties on record. Appeal is without any merit, hence is dismissed.

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

20.05.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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