



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

(221)

FAO no. 2269 of 2005(O&M)

Reserved on: 02.02.2026

Pronounced on: 05.02.2026

Uploaded on: 06.02.2026

SUMAN BALA AND OTHERS**... Appellants****Versus****SHYAM LAL AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Dhruv Singh, Advocate,
for the appellants.

Mr. Shashi Kumar Yadav, Advocate
for respondent No.3/Insurance Company

VIRINDER AGGARWAL,J

1. The present appeal has been preferred by the appellant assailing the award dated 26.10.2004 passed by the learned Motor Accident Claims Tribunal, Ambala, whereby the claim petition filed by the appellant for grant of compensation on account of death of Ravinder Kumar suffered in a motor vehicle accident on 26.05.2002 came to be dismissed.

BACKGROUND FACTS

2. The brief facts of the case are that 26.05.2002 at about 8:00 P.M., Ravinder Kumar, aged about 32 years, was proceeding from Pehowa to Shahbad via Ismailabad on his Splendor motorcycle bearing registration No. HR-41A-4290, driving on the correct left side of the road at a moderate speed. When he reached near the curve of Thaska Ali on Thol Shahbad Road, a Maruti car bearing registration No. DL-4CF-4944, being driven by respondent No.1,



Shyam Lal, in a rash and negligent manner, came from behind and struck the motorcycle of the deceased. As a result of the impact, Ravinder Kumar fell down along with his motorcycle on the kacha berm of the road and sustained multiple simple and grievous injuries. He was immediately removed from the spot by Prem Kumar and Sunil Batra and taken to the Civil Hospital, Shahbad, where he was declared dead. Consequently, a claim petition was filed before the Motor Accident Claims Tribunal, Ambala, seeking compensation on account of the death of Ravinder Kumar in the said accident.

3. The learned Tribunal, on appreciation of the evidence, held that though the claimants had established their status as the legal representatives and dependents of the deceased Ravinder Kumar, they failed to prove that occurrence was result of rash or negligent driving of the offending vehicle. The learned Tribunal disbelieved the testimonies of the alleged eye-witnesses, Prem Kumar (PW-4) and Sunil Batra (PW-6), holding them to be interested witnesses whose statements lacked independent corroboration and suffered from material inconsistencies. Further, the learned Tribunal observed that the nature and location of injuries noted in the post-mortem report (Exh.PE) and the damage reflected in the mechanical inspection report of the motorcycle (Exh.R-1) were inconsistent with a rear-end collision and did not support the version put forth by the claimants. Moreover, the learned Tribunal also took note of the unexplained delay in lodging the FIR (Exh.PD) and certain suspicious circumstances, including the alleged involvement of the offending vehicle in multiple claim petitions. In the absence of reliable and independent evidence connecting the death of the deceased with the alleged Maruti car or establishing rash and negligent driving by respondent No.1, the learned Tribunal held that



the claimants failed to prove the foundational facts of the case and consequently dismissed the claim petition.

CONTENTIONS

4. Learned counsel for the appellants contended that the impugned award passed by the learned Tribunal is contrary to law and is based upon misappreciation of the evidence on record. Learned counsel for the appellants submitted that the learned Tribunal erred in dismissing the claim petition. It was submitted that the learned Tribunal wrongly disbelieved the testimonies of Prem Kumar (PW-4) and Sunil Batra (PW-6), who were eye-witnesses to the accident, merely on the ground that they were related to the deceased, ignoring that their statements were consistent and stood corroborated by the registration of the FIR and the pendency of the criminal case against respondent No.1. Further, learned counsel contended that the learned Tribunal erred in drawing adverse inferences from the alleged delay in lodging the FIR, the dual insurance of the offending vehicle, and its involvement in other claim petitions, which, according to the appellants, were irrelevant considerations for determining negligence in the present case. It was further urged that the learned Tribunal misappreciated the medical and mechanical evidence and based its conclusions on conjectures, while ignoring material evidence on record, including the post-mortem report and salary documents of the deceased. On these grounds, learned counsel prayed for setting aside the impugned award and for grant of just compensation to the appellants.

5. Learned counsel for the Insurance Company supported the impugned award and contended that the claimants had failed to discharge the burden of proving the factum of the accident, the involvement of the alleged offending



vehicle, and rash or negligent driving by respondent No.1. Learned counsel submitted that the medical and mechanical evidence did not support the plea of a rear-end collision and rather suggested a different manner of accident altogether. It was also contended that suspicious circumstances such as dual insurance coverage and the involvement of the vehicle in multiple claim petitions, raised serious doubts regarding the genuineness of the claim. On these grounds, learned counsel prayed for dismissal of the appeal.

OBSERVATION AND FINDINGS

6. I have heard learned counsel for the parties and carefully perused the record, including the pleadings, evidence, and the impugned award passed by the learned Tribunal.

7. At the outset, this Court finds no infirmity in the approach adopted by the learned Tribunal in insisting upon proof of the foundational facts of the accident. In a claim under Section 166 of the Motor Vehicles Act, the burden squarely lies on the claimants to establish, at least on the touchstone of preponderance of probabilities, the factum of the accident, the involvement of the offending vehicle, and rash or negligent driving by its driver. The principal plank of the appellants challenge rests upon the testimonies of Prem Kumar Batra (PW-4) and Sunil Batra (PW-6). Both witnesses are admittedly close relatives of the deceased, being his brother and cousin respectively. While relationship per se does not disqualify a witness, the law is equally well settled that such interested testimony must inspire confidence in the mind of Court and ordinarily requires corroboration from independent or contemporaneous evidence. On close scrutiny, this Court finds that their version of a rear-end collision at a curve around 8:00 P.M., during twilight hours with reduced



visibility and admittedly without street lights or vehicle lights, suffers from inherent improbabilities. The claim that the witnesses could clearly notice and remember the registration number of the offending car, despite the vehicle allegedly fleeing the spot and without any attempt to chase or note the number contemporaneously, does not inspire confidence.

8. Further, the medical and mechanical evidence assumes considerable significance while testing the veracity of the ocular version. According to the claimants witnesses PW-4 and PW-6, the Maruti car struck the motorcycle of the deceased from the rear. If that version were to be accepted, some damage to the rear portion of the motorcycle would normally be expected, particularly in a collision severe enough to result in fatal injuries. However, the mechanical inspection report (Ex. R-1) records damage only to the front headlight, right-side fuel tank and front fork of the motorcycle, while the rear portion, including the tail, rear mudguard and frame, was found intact. This aspect materially undermines the plea of a rear-end impact and renders the ocular account improbable.

9. Furthermore, the medical evidence is concerned, it is correct that injuries may, in certain circumstances, be sustained on the front of the body even in a rear-end collision as by impact, person may fall on face downwards. Nevertheless, the nature, severity and concentration of injuries noted in the post-mortem report (Ex. PE), including a lacerated wound on the front of the neck with fracture of the mandible, multiple abrasions on the chest, bilateral rib fractures and a right-sided epidural haematoma, when considered cumulatively with the mechanical evidence, do not lend support to the version of a simple rear-end hit. The medical evidence, though not conclusive by itself, does not



rear damage to the motorcycle, strengthens the conclusion drawn by the learned Tribunal that the manner of accident as alleged by the claimants is doubtful. Equally significant is the delay in registration of the FIR (Ex. PD). The accident is alleged to have occurred at about 8:00 P.M. on 26.05.2002, whereas the FIR was registered at 1:40 A.M. on 27.05.2002. The explanation sought to be offered, namely that the witnesses were attending to the injured, loses force in view of the admitted fact that the deceased was declared brought dead at the hospital. The FIR, in any case, is not a substantive piece of evidence and does not, by itself, establish the manner of the accident or conclusively prove the involvement of the offending vehicle.

10. This Court also cannot lose sight of the surrounding circumstances noticed by the learned Tribunal, including the fact that the offending Maruti car was found to be insured simultaneously with two insurance companies for the same period namely, with Oriental Insurance Company Ltd. as well as New India Assurance Company Ltd. Further, the said vehicle was involved in multiple other claim petitions (Exh.R/8, Exh.R/11, Exh.R/14, Exh.R/15) during the subsistence of the insurance coverage, including one claim petition filed under the earlier policy of United India Insurance Company Ltd., which was subsequently withdrawn after the institution of the present claim petition. While these circumstances alone may not conclusively determine liability, when considered cumulatively with the absence of independent or contemporaneous corroboration, they reinforce the cautious approach adopted by the learned Tribunal and give rise to a reasonable inference of possible collusion between the claimants and respondents No.1 and 2.



11. In view of these deficiencies, the claimant's account cannot be considered reliable. It is well settled that a claimant must establish, at least on the balance of probabilities, the factum of the accident, the involvement of the offending vehicle, and rash and negligent driving by its driver. In the present case, the claimant has failed to discharge this burden, as the foundational facts of the accident remain unproved. The learned Tribunal rightly held that the burden of proof rested upon the claimant and was not discharged. This conclusion is further reinforced by the surrounding circumstances noticed on record, including the existence of dual insurance coverage of the offending vehicle for the same period and its involvement in multiple claim petitions, some of which were subsequently withdrawn, which cumulatively give rise to a legitimate doubt regarding the genuineness of the claim and suggest possible collusion. Accordingly, the conclusions arrived at by the learned Tribunal are reasonable, well-founded, and legally sustainable.

12. It is well settled that in a claim under Section 166 of the Motor Vehicles Act, the burden lies upon the claimants to establish by cogent evidence the factum of accident, rash and negligent driving of the offending vehicle, and their locus standi as legal representatives of the deceased. In **Oriental Insurance Co. Ltd. v. Meena Variyal & Ors. (2007) 5 SCC 428** and **Surender Kumar Arora v. Dr. Manoj Bisla, 2012 (4) SCC 552**, it was held that the claimant must establish, by cogent evidence, the factum of accident, negligence, and involvement of the vehicle. Hence, In the absence of proof of these essential elements, the claim was rightly rejected. The learned Tribunal's findings are thus based on a sound appreciation of evidence and settled legal principles.



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13. Accordingly, the appeal is found to be devoid of merit and is, accordingly, **dismissed**.

(VIRINDER AGGARWAL)**JUDGE****05.02.2026***Poonam*

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