

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2651-2025 (O&M)

NEW INDIA ASSURANCE COMPANY LTD

..Appellant

Versus

USMANI AND OTHERS

..Respondents

Reserved on: 11.12.2025

Date of decision: 31.01.2026

Uploaded on: 04.02.2026

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. R.C. Kapoor, Advocate
for the appellant.

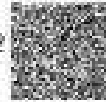
Mr. Ashish Gupta, Advocate
for respondent No.1 to 3 & 7.

SUDEEPTI SHARMA, J. (Oral)

1. The present appeal has been filed by the appellant-Insurance company against the award dated 24.01.2025 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Nuh (for short, 'the Tribunal'), wherein the appellant-Insurance company was fastened with the liability to pay the compensation of Rs.17,85,632/- to the claimants along with interest @ 7% per annum from the date of filing of claim petition till recovery.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that on 22.02.2022 at about 9.00 AM, complainant Shahid S/o Sher Mohd. was going towards his field via Nuh-Hodal road baram on foot. In the meantime, offending vehicle which was



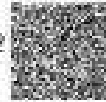
being driven by respondent No.1 was going to Ujina side from Bibipur side. The deceased was sitting as pillion rider on the offending vehicle and was telling to respondent No.1 to drive the same in slow and careful manner but the respondent No.1 turned offending vehicle in rash and negligent manner under the bridge of Mumbai Highway. Due to this impact, the deceased fell down from offending vehicle and received fatal and grievous injuries on his body. The complainant noted down the registration number of the offending vehicle. Many persons gathered at the spot and asked the name of driver of offending vehicle, who told his name as Juber son of Ikbāl R/o Adbar. The complainant stopped three-wheeler and took respondent no.1 to hospital but deceased Ilyas died in SHKM Govt. Medical College, Nalhar. The postmortem of the deceased was conducted. The matter was reported to the police and FIR No.104 dated 25.02.2022 was registered in Police Station Sadar Nuh under Section 279 / 304A of Indian Penal Code, 1860 against the respondent No.1.

3. Upon notice of the claim petition, respondents therein appeared and contested the claim petition by filing separate written statement denying the factum of accident/compensation.

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

“(1) Whether the accident in question resulting into death of Ilyas S/o Nasru, took place due to rash and negligent driving of vehicle bearing registration No. HR-27L-3638 by its driver-respondent No.1? OPP.

(2) If issue No.1, is proved, whether the petitioners are entitled to get compensation on account of death in said accident and if so, how much and from whom? OPP



(3) Whether the offending vehicle has contravened, violated, infringed or breached the terms and conditions of insurance policy? OPR3

(4) Whether the offending vehicle was not involved in alleged occurrence ?OPR-3

(5) Relief ”

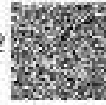
5. Thereafter, both the parties led their evidence in support of their respective pleadings.

6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants. However, the liability to pay compensation was fastened upon the appellant-Insurance Company. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

7. Learned counsel for the appellant–Insurance Company submits that the learned Tribunal has committed a manifest error in holding that the accident occurred on account of the rash and negligent driving of the offending vehicle. He further contends that the finding on issue of negligence is unsustainable, as the material on record does not satisfactorily establish the involvement of the offending vehicle in the manner alleged.

8. He further contends that there is an unexplained delay of **three days** in lodging the First Information Report, which casts serious doubt on the veracity of the claimant version and the credibility of the claim. Learned counsel also contends that the claim petition is the result of collusion between the claimants/respondents No.1 to 3 and the driver and owner of the offending vehicle, engineered with the sole intent of extracting compensation from the appellant–Insurance Company.



9. On these grounds, learned counsel submits that the impugned award is vitiated by perversity and non-consideration of material aspects, and therefore prays that the present appeal be allowed and the award passed by the learned Tribunal be set aside and the present appeal be allowed.

10. Learned counsel for respondents/claimants contends that the learned Tribunal has rightly passed the award, therefore, he prays for dismissal of the present appeal.

11. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.

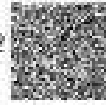
12. The relevant portion of the award is reproduced as under:-

“ISSUE NO.1

14. In order to prove this issue, the petitioners have examined petitioner No.1 / wife of deceased namely Usmani as PW-1 who has tendered affidavit Ex.PW-1/A in her evidence, in which she has narrated the facts of the claim petition.

15. The petitioners have further examined complainant and eye-witness of accident namely Shahid as PW-2 who has tendered affidavit Ex.PW-2/A in his evidence, in which he has narrated the facts of the claim petition and deposed that the accident took place due to rash and negligent driving of respondent No.1 who was driving offending vehicle in rash and negligent manner. He noted down the registration number of offending vehicle. On his complaint, FIR No.104 dated 25.02.2022 was registered under Section 279 / 304A of Indian Penal Code, 1860 against the respondent No.1.

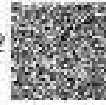
16. The learned counsel for the respondent No.3 has argued that the offending vehicle was not at all



involved in alleged accident and the deceased had died due to some other reason. There is no MLR of the deceased of the date of alleged accident i.e. 22.02.2022 and he was first admitted in hospital on 24.02.2022 after two days of accident and even as per medical report, the cause of his death is not clear. There is no rukka or any intimation to police of the date of alleged accident. The complainant / eye-witness has concocted false story in connivance with petitioners and respondents No.1 and No.2 and has planted the offending vehicle in the present case to get false compensation from insurance company. Further, there is a delay of 03 days in registration of FIR which shows that offending vehicle was planted in planner manner in connivance with respondent No.1 and No.2 and police.

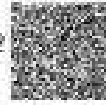
*17. In view of submissions and perusal of record, the first contention of respondent No.3 is delay of 03 days in registration of FIR. In **Ravi vs. Badrinarayan and others - AIR 2011 SC 1226**, where substantial delay was caused in lodging the FIR, Hon'ble Supreme Court of India has held that even there was a delay of three months in lodging the complaint after the accident, it shall not fatal to the case of the claimants. The Hon'ble Supreme Court has held as under:*

“20. It is well-settled that delay in lodging FIR cannot be a ground to doubt the claimant's case. Knowing the Indian conditions as they are, we cannot expect a common man to first rush to the Police Station immediately after an accident. Human nature and family responsibilities



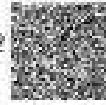
occupy the mind of kith and kin to such an extent that they give more importance to get the victim treated rather than to rush to the Police Station. Under such circumstances, they are not expected to act mechanically with promptitude in lodging the FIR with the Police. Delay in lodging the FIR thus, cannot be the ground to deny justice to the victim. In cases of delay, the courts are required to examine the evidence with a closer scrutiny and in doing so; the contents of the FIR should also be scrutinized more carefully. If court finds that there is no indication of fabrication or it has not been concocted or engineered to implicate innocent persons then, even if there is a delay in lodging the FIR, the claim case cannot be dismissed merely on that ground.

21. The purpose of lodging the FIR in such type of cases is primarily to intimate the police to initiate investigation of criminal offences. Lodging of FIR certainly proves factum of accident so that the victim is able to lodge a case for compensation but delay in doing so cannot be the main ground for rejecting the claim petition. In other words, although lodging of FIR is vital in deciding motor accident claim cases, delay in lodging the same should not be treated as fatal for such proceedings, if claimant has been able to demonstrate satisfactory and cogent reasons for it. There could be variety of reasons in genuine cases for delayed lodgment of FIR. Unless kith and kin of the



victim are able to regain a certain level of tranquillity of mind and are composed to lodge it, even if, there is delay, the same deserves to be condoned. In such circumstances, the authenticity of the FIR assumes much more significance than delay in lodging thereof supported by cogent reasons.”

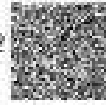
18. In the present case, the complainant / eye-witness namely Shahid PW-2 has deposed that due to negligence of respondent No.1, the deceased fell off the bike and received injuries. He then stopped an Auto-Rickshaw and took him in hospital. There is a delay of 03 days in submitting a complaint to police and registration of FIR as the accident took place on 22.02.2022 and the complaint was given on 25.02.2022 and the FIR was also registered on same day. The registration number and description of offending vehicle is mentioned in both complaint and FIR. As per final report / challan Ex.P1, on 24.02.2022, an information was received from police control room that deceased Illiyas who met with an accident on 22.02.2022 and was came to SHKM Govt. Medical College, Nalhar for his treatment had died during treatment. Accordingly, police reached at hospital and received rukka from hospital. Police tried to call family members of deceased on given number but same was found switched off. Then on 25.02.2022, PW-2 Shahid made a complaint to police on which FIR was registered. The contention of respondent No.3 that offending vehicle have been falsely implicated in connivance with respondents No.1 and No.2 to get the false compensation from the insurance company



after concocted a story of accident from offending vehicle is without any merit. The deceased was a sole bread earner of family and left behind his wife, five children and old aged mother. It is hard to fathom that a family of illiterate old aged mother, wife and minor children who lost their sole bread earner on whom they were dependent were in position / condition and in such mental status that they concocted a story for purpose of getting compensation from insurance company within just three days of accident / death of deceased.

19. The petitioners have placed on record the copy of final police investigation report / challan Ex.P1, Charge Sheet Ex.P2 and annexed police proceedings Ex.P3 to Ex.P17 to prove that after investigation of the case, police filed challan against respondent No.1 for the offences punishable under Sections 279, 304-A, as respondent No. 1 alleged to caused death of petitioner by driving his offending vehicle in a rash and negligent manner and the Court of concerned also framed charges under these sections against the respondent No.1.

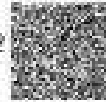
20. Further, as per medical prescription Ex.P18 proved by compounder namely Juned of Dr. Shabbir Ahmed, who had passed away on 14.07.2024, the deceased also went to Dr. Shabbir Ahmed for his checkup after accident and later on just after just after two days i.e. on 24.02.2022, he got admitted in SHKM, Nalhar for his treatment and succumbed to his injuries on 24.02.2022. Even as per Post Mortem Examination Report Ex.P11, alleged history of road side accident occurred on 22.02.2022 is mentioned in information column. The learned counsel for the respondent No.3



argued that as per Post Mortem Examination Report Ex.P11 and as per medical report, the cause of his death is not clear. However, it is also not denied in said medical papers that death was not caused because of road side accident. As per opinion in Post Mortem Examination Report Ex.P11, "The cause of death is shock and hemorrhage due to internal bleeding and collection of blood in pericardial and left pleural cavity which is sufficient to cause death in ordinary course of nature."

*21. Further, nothing unusual or some other cause of death has been found in Histopathology Examination Report Ex.P13 and FSL Report Ex.P14. The police further sought medical opinion to know the cause of death vide application Ex.P16 on 30.09.2022 and as per medical opinion dated 07.10.2022 Ex.P17, **"the cause of death in this case was shock and hemorrhage due to internal bleeding and collection of blood in the pericardial and left plural cavity as a consequence of blunt trauma to thorax. The death due to internal bleeding in the thoracic cavity due to blunt trauma/ injury related with vehicular / roadside accident cannot be ruled out'.***

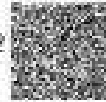
22. The respondents have cross-examined petitioner's witness but nothing contradictory or material statement came in his cross examination. Further, the respondents have not examined any witness in their evidence to support their case, therefore, this Tribunal has no reason to disbelieve the evidence of the petitioners. Therefore, issue No. 1 is decided in favour of petitioners."



13. A perusal of the impugned award reveals that the learned Tribunal has meticulously appreciated the entire oral and documentary evidence available on record and has rightly returned finding that the accident in question occurred due to the sole rash and negligent driving of respondent No.1, the driver of the offending motorcycle bearing registration No.HR-27L-3638.

14. It is further evident that the learned Tribunal has correctly dealt with the issue of delay in lodging the FIR. It is a settled position of law that in proceedings under the Motor Vehicles Act, delay in registration of the FIR is not fatal to the claim if the same stands satisfactorily explained. In the present case, the Tribunal has recorded cogent reasons while accepting the explanation furnished by the claimants/respondents No.1 to 3, particularly in view of the medical condition of the deceased, his subsequent hospitalization, and eventual death. The learned Tribunal has also rightly relied upon the judgment of the Hon'ble Supreme Court in **Ravi v. Badrinarayan & Ors., AIR 2011 SC 1226**, wherein it has been categorically held that delay in lodging the FIR, by itself, cannot be a ground to discard a genuine claim.

15. The contention of the appellant–Insurance Company regarding alleged collusion between the claimants/respondents No.1 to 3 and the driver and owner of the offending vehicle has been rightly rejected by the learned Tribunal. It is trite law that plea of collusion is to be pleaded and proved and burden to prove the same lies squarely upon the party making such an allegation/assertions. In the present case, except for making a bald assertion, the appellant–Insurance Company has neither pleaded nor adduced any cogent evidence to substantiate the plea of collusion. Mere conjectures or



surmises, unsupported by evidence, cannot form the basis to disbelieve an otherwise well-supported claim.

16. The learned Tribunal has further taken note of the medical evidence on record, including the MLR, post-mortem report, histopathology report, and subsequent medical opinion, which collectively lend substantial support to the version of the claimants/respondents No.1 to 3. The medical opinion clearly opines that the cause of death was shock and hemorrhage due to internal bleeding as a consequence of blunt trauma to the thorax and that such injuries are consistent with and cannot be ruled out as being caused by a vehicular or roadside accident. The medical evidence, when read in conjunction with the ocular testimony and police records, fortifies the finding on negligence returned by the Tribunal.

17. It is also well settled that proceedings before the Motor Accident Claims Tribunal are summary in nature and the strict rules of evidence applicable to criminal trials are not to be applied with rigidity. The claim is required to be established on the touchstone of preponderance of probabilities. In the case at hand, the learned Tribunal has rightly concluded that the claimants have successfully proved, on the standard of preponderance of probabilities, that the accident occurred due to the rash and negligent driving of respondent No.1, driver of the offending vehicle bearing registration No.HR-27L-3638.

18. In view of the foregoing discussion and the settled legal position, this Court finds no infirmity, perversity, or illegality in the findings returned by the learned Tribunal on the issue of negligence. The said findings are well reasoned, duly supported by evidence, and call for no interference



by this Court. Accordingly, the findings of the learned Tribunal on this count are hereby affirmed.

19. Consequently, the present appeal, being devoid of merit, is hereby dismissed.

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

21. Pending miscellaneous applications, if any, are also disposed of.

31.01.2026

Ayub

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No