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

FAO-4182-2015 (O&M)

Date of Decision : 11.02.2026

JARNAL

.... Appellant

VERSUS

IBRAN AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Gupta, Advocate for the appellant.

Mr. Arjun Attri, Advocate for respondents No.1 and 2.

Mr. R.C. Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the appellant aggrieved by the dismissal of the claim petition by the Motor Accident Claims Tribunal, Mewat (hereinafter referred to as 'the Tribunal') vide award dated 13.03.2015.

2. The brief facts relevant to the present *lis* are that on 22.05.2014 at about 11:00 am the appellant along with his father was standing near Indian Oil Petrol Pump, Biwan (Dorakhi) on the correct side of the road. In the meantime, a bus bearing registration No.RJ-O5-PA-1987 (hereinafter referred to as 'the offending vehicle'), which was being driven by respondent No.1 in a rash and negligent manner and in the process of overtaking a dumper, hit the appellant after coming from the wrong side. As a result, the appellant sustained multiple injuries on various parts of his body including fracture on his right leg. It had been averred that the accident took place due to the rash

and negligent driving of the offending vehicle by respondent No.1. It had been further averred that after the accident, initially the appellant was taken to Medical College, Nalhar and thereafter the appellant took treatment from SMS Hospital, Jaipur and had spent a sum of ₹2,00,000 on his treatment, transportation and special diet etc. but the appellant could not be properly cured. The appellant still remained under treatment and was unable to move or walk without the help of stick. The appellant has suffered great physical as well as mental pain and has become permanently disabled and has no source of income to maintain himself. Hence, the claim petition.

3. On notice, respondents No.1 and 2 filed their joint written statement taking various preliminary objections qua maintainability, *locus standi* and concealment. On merits the factum of accident was denied. It was the stand taken that the alleged FIR was lodged against the respondents in collusion with the police. Respondent No.3 also filed its separate written statement taking various preliminary objections. It was averred that respondent No.1 was not having valid and effective driving licence to drive the offending vehicle violating the terms and conditions of the insurance policy. On merits, age, income and occupation of the appellant and expenses incurred by him on his treatment were denied.

4. Replication was not filed. From the pleadings of the parties the following issues were framed :

1. Whether the accident in question resulting into injuries to petitioner took place on 22.05.2014, in the jurisdiction of Police Station Ferozepur Jhirka, because of

rash and negligent driving of vehicle bearing registration No.RJ-05-PA-1987 by its driver/respondent No.1 ? OPP

2. If issue No.1 is proved, whether the petitioner is entitled to compensation. If so, to what amount and from whom ? OPP

3. Whether respondent No.1 was not having a valid and effective driving licence at the time of accident. If so, to what effect ? OPR-3

4. Whether respondent No.2 has violated the terms and conditions of insurance policy. If so, to what effect ? OPR-3

5. Relief.

5. The Tribunal holding that the occurrence took place on 22.05.2014 and the FIR was lodged on 20.06.2014 and that there was no explanation coming forth as to why the FIR was lodged after a gap of such a long period, dismissed the claim petition. It was further held that Gaffar, who is the father of the appellant, was with the appellant when he received injuries however, again no explanation was forthcoming as to why the FIR was not lodged in time. Hence, the present appeal by the appellant.

6. Learned counsel for the appellant would contend that the only ground on which the Tribunal had dismissed the claim petition is the delay in lodging the FIR and the fact that despite the father of the appellant being with him at the time of the accident, no FIR was lodged on time. It is the contention of the learned counsel that Ex.P16 was the award passed by the National Lok

Adalat wherein the driver of the offending vehicle i.e. respondent No.1 herein had confessed his guilt and he was convicted under Sections 279, 337 and 338 of the Indian Penal Code, 1860 and vide a separate order dated 06.12.2014 he was convicted to undergo simple imprisonment for a period of seven days. Learned counsel would further contend that the said award of the National Lok Adalat has not even been referred to in the entire impugned award passed by the Tribunal.

7. *Per contra*, learned counsel for the respondents would contend that the conviction was only on the basis of the confession made by respondent No.1 and that there is absolutely no reason forthcoming for the delay in lodging the FIR.

8. Heard.

9. In the present case the Tribunal had dismissed the claim petition primarily on the ground of delay in lodging the FIR. The Tribunal while dismissing the claim petition has totally ignored the award passed by the National Lok Adalat dated 06.12.2014 (Ex.P16 on the record) whereby respondent No.1 was held guilty and convicted under Sections 279, 337 and 338 of IPC and was further sentenced to undergo seven days simple imprisonment. The accident took place on 22.05.2014 and the FIR was lodged on 20.06.2014 i.e. after about 28 days.

10. The Hon'ble Supreme Court in the case of **Ravi vs. Badrinarayan & Ors. [2011(2) RCR (Civil) 190]**, wherein there was a delay of 03 months in lodging the FIR, has held as under :

'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 tranquility 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.'

11. Further still, it is trite that in a motor vehicular accident the case is to be decided by the Tribunal on the touch stone of preponderance of probabilities. The Hon'ble Supreme Court in the case of **Sunita & Ors. vs. Rajasthan State Road Transport Corporation & Anr. [(2020) 13 SCC 486]** has held that while deciding cases arising out of motor vehicle accidents, the standard of proof to be borne in mind must be of preponderance of

probability and not the strict standard of proof beyond all reasonable doubt which is followed in criminal cases. It was held as under :

“It is thus well settled that in motor accident claim cases, once the foundational fact, namely, the actual occurrence of the accident, has been established, then the Tribunal’s role would be to calculate the quantum of just compensation if the accident had taken place by reason of negligence of the driver of a motor vehicle and, while doing so, the Tribunal would not be strictly bound by the pleadings of the parties. Notably, while deciding cases arising out of motor vehicle accidents, the standard of proof to be borne in mind must be of preponderance of probability and not the strict standard of proof beyond all reasonable doubt which is followed in criminal cases.”

The Tribunal, without even referring to the statement of the injured and the other evidence on the record, dismissed the claim petition primarily on the ground of delay in lodging the FIR.

12. In view of the law as referred to above and in view of the fact that there was already a judgment of conviction, the impugned award passed by the Tribunal cannot be sustained. Accordingly, the present appeal is allowed and the impugned award is set aside. The matter is remanded back to the successor Presiding Officer of the Tribunal concerned for a decision of the claim petition afresh in accordance with law after affording opportunity of hearing to the parties concerned. The parties shall appear before the successor

Presiding Officer concerned on **23.02.2026** at 10:00 am. Pending applications,
if any, also stand disposed off.

11.02.2026
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No