

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****136****FAO-5494-2022(O&M)****Date of decision: 08.04.2026****Pritam Kaur & Others****...Appellant(s)****Vs.****Punjab State Bus Stand Management Company Ltd. & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Umesh Kumar Kanwar, Advocate
for the appellants.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.8,64,640/- awarded by the Motor Accident Claims Tribunal, Jalandhar (hereinafter 'the learned Tribunal') vide Award dated 14.02.2022 passed in MACP-163-2017 dated 25.07.2017 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 74-year-old mother, 48-year-old brother, and 50-year-old brother of deceased Major Singh, who was 45 years old at time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Major Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.06.2017 due to the rash and negligent driving of Bus bearing registration No.PB-35-Q-1790



(hereinafter “the offending vehicle”) being owned by respondents No.1 and 2 and driven by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that deceased was working in a factory in Ludhiana and earning Rs.17,000/- per month. The appellants had produced cogent evidence to prove this fact. Yet the learned Tribunal has taken income of the deceased as an unskilled labourer as only Rs.7568/- per month. It is submitted that dependency of the deceased has also been wrongly assessed. Even amounts granted under the conventional heads deserve to be enhanced as only consortium of Rs.40,000/- has been awarded to claimant No.1 and nothing has been awarded to the brothers. Interest should have been awarded @ 11%. It is accordingly prayed that the present appeal be allowed and impugned Award be modified as above.

4. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

5. A perusal of record of the case shows that it was the pleaded case of the appellants before the Tribunal that prior to the accident, the deceased was working in a factory in Ludhiana and earning Rs.17,000/- per month. It had further been pleaded by the appellants before the Tribunal that



deceased was also an agriculturist from which he was earning Rs.24,000/- per month. Claimant No.3 Jarnail Singh had appeared as PW1 and deposed as above. However, a perusal of the record shows that no documentary evidence whatsoever was adduced by the claimants to support their above-said contentions. No record of employment of the deceased such as Appointment Letter, Salary Certificate, Bank Account Statement, examining any employer, etc. were produced by the claimants to substantiate their contention. Therefore, in the absence of any evidence, Tribunal has correctly assessed income of the deceased as that of an unskilled labourer as Rs.7568/- per month on the basis of Notification dated 05.04.2017 issued by the Labour Commissioner, Punjab. I find no error in the same.

6. Age of the deceased was determined to be 45 years at the time of accident on the basis of Post-Mortem Report (Ex.P5). Admittedly, the deceased was a bachelor. Therefore, deduction of 50% has been correctly made. Keeping in view the age of the deceased, future prospects of 25% were correctly applied; and multiplier of 14 was correctly applied. Further, under the conventional heads, the learned Tribunal has granted Rs.15,000/- towards loss of estate; Rs.40,000/- towards consortium to claimant No.1/mother; and Rs.15,000/- towards funeral expenses. Thus, an absolutely just and fair compensation has been granted, which is in accordance with the law laid down by the Hon'ble Supreme Court.



7. At this stage, it may be pointed out that in respect of the accident in question, FIR No.133 dated 15.06.2017 under Sections 279, 304-A and 427 IPC was registered at Police Station Rama Mandi, Jalandhar, on the basis of statement made by claimant No.3 Jarnail Singh/brother of the deceased. In the said FIR, respondent No.3/driver of the offending vehicle has been acquitted by the learned Judicial Magistrate, 1st Class, Jalandhar vide judgment dated 17.04.2023 on account of the fact that complainant Jarnail Singh while appearing before the Criminal Court as PW1 stated that *“he had never met Davinder Pal Singh prior to 14.06.2017 and he had not seen him while driving the bus... ..”*. On the statement of the complainant, respondent No.3 was acquitted on the ground that *“..... the complainant is himself stating that he has not seen the accused driving the bus. Now in the absence of testimony of the complainant cum eyewitness prosecution was required to complete the chain of circumstances to link the accused with the crime. Prosecution is not able to show that accused was driving the offending vehicle... ..”*.

8. A bare reading of the above facts shows that the claimant side has turned turtle on its previous statement. No doubt, proceedings under the Act have to be decided on the preponderance of probabilities. However, this Court cannot shut its eyes in an ostrich like manner to the starkly diametrically opposite stance taken by the claimants' side in the criminal trial. Thus, no credence can be attributed to the contrary statements



made by the claimant side before the learned Tribunal. It would therefore appear that the claimant had deposed falsely before the Tribunal only to get the compensation. In such a situation, reference may be made to a judgment of this Court in **“United India Insurance Company Limited Vs. Kamla Devi & Others” (P&H) : Law Finder Doc Id # 251230** wherein it has been held that:

"5. It should still have been possible for the Tribunal to take a decision uninfluenced by any decision that may have come before the criminal court. The several decisions which have come about on this issue are to the effect that a judgment in a criminal court is not binding on the Tribunal; the non-filing of a FIR is not material; even the fact of involvement of the vehicle as found by the criminal court is not binding. While the Tribunal is competent to assess the evidence which is brought before it and take an independent decision, then the point that has to be seen is whether there was any evidence worth its name before the Tribunal to come a finding that the particular vehicle was involved in the accident. It can be either that the version of Sitar Mohd. cannot be relied for he has contradicted himself wholesale with the version given before the criminal court or looked for other evidence which was placed before the Court. Alternatively if any explanation had been given by the witness as to why he deposed falsehood before the criminal court, even such an explanation could have been accepted to enter a finding that the accident took place only involving the particular insured's vehicle. In this case, no explanation has been given by the witness as to why he stated before the criminal court that he did not know which vehicle was involved in the accident. He would, on the other hand, defy that he ever made any such statement before the criminal court,



necessitating the statement made before the criminal court to be exhibited for contradiction before the Tribunal. It must be remembered a statement in criminal court case by a witness is also on oath. If he was uttering falsehood, he was liable for perjury. If there was contradiction between the version elicited before the Tribunal to the statement made before the criminal court then such a witness will be unworthy of acceptance. The Tribunal could have simply rejected the whole evidence. If it was going to pick out one line from chief examination to say that the insured's vehicle was involved in the accident, the Tribunal was doing something which is not a judicial function but a travesty of justice."

9. The above said view has been reiterated by this Court in **"Shri Ram General Insurance Company Limited Vs. Jeeto Devi & Others"** FAO-2231-2014 decided on 03.12.2019, wherein it is held as under:-

*"(6) This Court cannot loose sight of the judgment rendered by this Court in the case of **United India Insurance Company Limited versus Kamla Devi and others**, wherein it was specifically held that in case an eye witness gives totally different version before the Court conducting trial in criminal case from the statement made by the said eye witness before the Tribunal, the testimony of such a witness is unworthy of being accepted and the evidence should be simply rejected. In fact, the learned Single Bench came down heavily on such witness and held that the said witness is also liable for perjury."*

10. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.



11. In view of the above discussion, present appeal stands **dismissed.**

12. Pending application(s) if any also stand(s) disposed of.

08.04.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No