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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4987-2024 (O&M)
Date of Decision : 20.02.2026

United India Insurance Company Limited ... Appellant

Versus

Geeta Rani and Others ... Respondents

247-1 **FAO-5000-2024 (O&M)**

United India Insurance Company Limited ... Appellant

Versus

Kulwinder Kaur and Others ... Respondents

247-2 **FAO-5003-2024 (O&M)**

United India Insurance Company Limited ... Appellant

Versus

Ajay Sahota and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vikas Mohan Gupta, Advocate
for the appellant in all appeals.

Mr. Man Mohan, Advocate for
Mr. Vishal Goel, Advocate
for respondent No.1 in FAO-5000-2024.

ALKA SARIN, J. (Oral)

CM-18969-CII-2024 in FAO-4987-2024

1. For the reasons stated in the application, the same is allowed. The

delay of 10 days in filing the present appeal is condoned.

FAO-4987-2024, FAO-5000-2024 & FAO-5003-2024

2. Present order shall dispose off the above-captioned appeals. Though service is not complete in the appeals being FAO-4987-2024 and FAO-5003-2024, however, learned counsel for the appellant-Insurance Company in FAO-5000-2024 insists on arguing the main appeal as the service in the said appeal is complete. Since the question involved in all the three appeals is the same, they are being taken up for hearing together. As the decision of the appeals, which is to follow, is in favour of the claimants, their interest would not be adversely affected.

3. Present appeals have been preferred by the Insurance Company challenging the awards dated 01.07.2024 passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as the 'Tribunal') separately on the ground that present is a false case which was planted on the insured offending vehicle.

4. The parties are being referred to as the Insurance Company, claimants as well as driver of the offending vehicle for the sake of clarity. For the sake of convenience, the facts and evidence are being extracted from the appeal being FAO-5000-2024 as the facts and evidence are identical in all the cases. Learned counsel for the Insurance Company has also admitted that the facts and evidence in all the appeals are identical.

5. The brief facts relevant to the present *lis* are that on 13.05.2021 at about 09:00 am Sandeep Kumar (deceased in FAO-4987-2024), Bikramjit Singh (deceased in FAO-5000-2024) and Urvinder Sahota (deceased in FAO-5003-2024) were coming back from a factory at Bhadson after completing their night shift/night duty on a motorcycle bearing registration No.PB-34-B-

2669. They were being followed by Anil Sahota son of Gurbax Singh and father of one of the deceased, in a car. Due to traffic, the motorcycle went ahead. At about 09.30 am, when Ajay Sahota reached within the limits of Sakrali near Bandranwali Pipli on main Nabha Road, he saw three dead bodies lying on the road out of which one dead body was of his son Urvinder Sahota however the other two people whose dead bodies were lying on the road were not known to him. Ajay Sahota registered FIR No.50 dated 13.05.2021 for offences under Sections 279, 304-A and 427 of the Indian Penal Code, 1860. During the course of investigation, one Malkiat Singh son of Sher Singh resident of village Badali, Police Station Amloh made a statement to the police that on 13.05.2021, after carrying out repair of a broken-down Crane, he was going to his village from Nabha on his bicycle. At about 09.30 am when he reached Bandranwali Pipli on the main road, a white colour car crossed him which was being driven at a very high speed and hit the motorcycle which was coming from the other side on which three people were riding. He stated that he noted down the registration number of the car as HR-32-J-9274 (hereinafter referred to as the 'offending vehicle'). The driver of the offending vehicle ran away from the spot. Malkiat Singh was cited as one of the eye-witnesses. Challan was presented under Section 173 CrPC. Three claim petitions being MACP-223 of 2021; MACP-249-2021; and MACP-222-2021 were filed on account of death of Sandeep Kumar, Bikramjit Singh and Urvinder Sahota respectively. All the claim petitions have been disposed off vide separate orders of even date by returning the same finding, barring the compensation, which has been awarded.

6. The Tribunal awarded the following compensation :

(FAO-4987-2024 ARISING OUT OF MACP-223-2021)

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,400/-
2	Annual Income	₹1,12,800/- [₹9,400 x 12]
3	Future Prospects - 40%	₹1,57,920/- [₹1,12,800 + ₹45,120]
4	Deduction - 50%	₹78,960/- [₹1,57,920 - ₹78,960]
5	Multiplier - 17	₹13,42,320/- [₹78,960 x 17]
6	Funeral expenses	₹16,500/-
7	Loss of consortium	₹44,000/-
	Total Compensation	₹14,02,820/-
	Interest	7.5%

(FAO-5000-2024 ARISING OUT OF MACP-249-2021)

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,400/-
2	Annual Income	₹1,12,800/- [₹9,400 x 12]
3	Future Prospects - 40%	₹1,57,920/- [₹1,12,800 + ₹45,120]
4	Deduction - 50%	₹78,960/- [₹1,57,920 - ₹78,960]
5	Multiplier - 18	₹14,21,280/- [₹78,960 x 18]
6	Funeral expenses	₹16,500/-
7	Loss of consortium	₹44,000/-
	Total Compensation	₹14,81,780/-
	Interest	7.5%

(FAO-5003-2024 ARISING OUT OF MACP-222-2021)

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,400/-
2	Annual Income	₹1,12,800/- [₹9,400 x 12]
3	Future Prospects - 40%	₹1,57,920/- [₹1,12,800 + ₹45,120]
4	Deduction - 50%	₹78,960/- [₹1,57,920 - ₹78,960]
5	Multiplier - 18	₹14,21,280/- [₹78,960 x 18]
6	Funeral expenses	₹16,500/-
7	Loss of consortium	₹44,000/-
	Total Compensation	₹14,81,780/-
	Interest	7.5%

7. Aggrieved by the awards, present appeals have been preferred by the Insurance Company.

8. Learned counsel for the Insurance Company would contend that identical findings have been returned by the Tribunal in all the three claim petitions. It is further the contention that all the three cases have arisen out of the same accident. Learned counsel for the Insurance Company has further contended that present is a planted case on the insured offending vehicle only to get compensation. It has further been contended that FIR in the present case did not state the registration number of the offending vehicle or name of the driver and the same was introduced after a month. Learned counsel for the Insurance Company has further contended that father of deceased – Urvinder Sahota – who is author of the FIR was not the eye-witness.

9. *Per contra* learned counsel appearing on behalf of respondent No.1 in FAO-5000-2024 has contended that PW-2 Malkiat Singh appeared as a witness before the Tribunal and despite a lengthy cross-examination nothing could be elicited from the said witness. Rather PW-2 Malkiat Singh gave minute details of the accident. It has further been contended that the driver of the offending vehicle, namely, Krishan, had stepped into the witness-box as RW-1. Though he denied the factum of accident however he admitted in his cross-examination that FIR No.50 dated 13.05.2021 under Sections 279, 427 and 304-A of the Indian Penal Code, 1860 was registered against him and he had not moved any application before the Police Authorities for declaring him innocent in the said FIR. He also admitted that charges had already been framed against him. It is further the contention that copy of the charge-sheet was produced on record as Ex.C5.

10. Heard.

11. In the present case the only argument raised by learned counsel for the Insurance Company in all the three appeals is that present is a planted case. The argument of learned counsel for the Insurance Company that in the FIR, which was lodged by Ajay Sahota, father of deceased – Urvinder Sahota – did not state the registration number of the offending vehicle and that the vehicle number was introduced after a month and therefore the claim petitions ought to have been dismissed, deserves to be rejected. Malkiat Singh, who made a statement before the Police and gave the registration number of the car also stepped into the witness-box before the Tribunal as PW-2. In his statement he had given minute details of the accident as has also been noticed by the Tribunal in the award. He was cross-examined at length but nothing could be elicited to falsify the case of the claimants. It has been observed by the Tribunal that he gave very clear explanations about the incident. He also stated that he can identify the driver of the offending vehicle if produced before him. The driver of the offending vehicle also stepped into the witness-box as RW-1. Though he denied the factum of the accident however in his cross-examination he admitted that FIR No.50 dated 13.05.2021 under Sections 279, 304-A and 427 IPC had been registered against him and that he had not filed any application for his false implication or innocence in the present case. He also admitted that after filing of report under Section 173 CrPC, charges were framed against him under Sections 279, 304-A and 427 IPC regarding the accident in question (Ex.C5). Filing of the challan before the Illaqa Magistrate and framing of charges against the driver of the offending vehicle are *prima facie* proof of happening of the accident in question by the offending vehicle. In a recent judgment dated 02.01.2025, the Hon'ble Supreme Court in the case of **ICICI Lombard General Insurance**

Co. Ltd. vs. Rajani Sahoo & Ors. [(2025) 2 SCC 599] held as under :

“7. As regards the reliability of charge sheet and other documents collected by the police during the investigation in motor accident cases, is concerned, this Court in the case of Mangla Ram v. Oriental Insurance Co. Ltd. and Ors. [(2018) 5 SCC 656] held in para 27, thus:

“27. Another reason which weighed with the High Court to interfere in the first appeal filed by Respondents 2 & 3, was absence of finding by the Tribunal about the factum of negligence of the driver of the subject jeep. Factually, this view is untenable. Our understanding of the analysis done by the Tribunal is to hold that Jeep No. RST 4701 was driven rashly and negligently by Respondent 2 when it collided with the motorcycle of the appellant leading to the accident. This can be discerned from the evidence of witnesses and the contents of the charge-sheet filed by the police, naming Respondent 2. This Court in a recent decision in Dulcina Fernandes [Dulcina Fernandes v. Joaquim Xavier Cruz, (2013) 10 SCC 646, noted that the key of negligence on the part of the driver of the offending vehicle as set up by the claimants was required to be decided by the Tribunal on the touchstone of preponderance of probability and certainly not by standard of proof beyond reasonable doubt. Suffice it to observe that the exposition in the judgments already adverted to by us, filing of charge-sheet against Respondent 2 prima facie points towards his complicity in driving the vehicle negligently and rashly. Further, even when the accused were to be acquitted in the criminal case, this Court opined that the same may be of no effect on the assessment

of the liability required in respect of motor accident cases by the Tribunal”.

(Emphasis Supplied)

12. Further, a perusal of the award reveals that the Tribunal has given weightage to the evidence recorded before it. It is well settled law that the Tribunal has to decide the claim petition on the basis of the evidence led before it and if any evidence before the Tribunal runs contrary to the contents in the FIR, the evidence recorded before the Tribunal has to be given weightage. Hon’ble Supreme Court in the case of **National Insurance Company Limited vs. Chamundeswari & Ors. [2021 (4) RCR (Civil) 494]** has held as under :

“8. It is clear from the evidence on record of PW-1 as well as PW-3 that the Eicher van which was going in front of the car, has taken a sudden right turn without giving any signal or indicator. The evidence of PW-1 & PW-3 is categorical and in absence of any rebuttal evidence by examining the driver of Eicher van, the High Court has rightly held that the accident occurred only due to the negligence of the driver of Eicher van. It is to be noted that PW-1 herself travelled in the very car and PW-3, who has given statement before the police, was examined as eye-witness. In view of such evidence on record, there is no reason to give weightage to the contents of the First Information Report. If any evidence before the Tribunal runs contrary to the contents in the First Information Report, the evidence which is recorded before the Tribunal has to be given weightage over the contents of the First Information Report. In the judgment, relied on by the appellant's counsel in the case of Oriental Insurance Company Limited v. Premlata Shukla and Others, 2007 (13) SCC 476, this Court has held that proof of rashness

and negligence on the part of the driver of the vehicle, is therefore, sine qua non for maintaining an application under Section 166 of the Act. In the said judgment, it is held that the factum of an accident could also be proved from the First Information Report. In the judgment in the case of Nishan Singh and Others v. Oriental Insurance Company Limited, 2018 (6) SCC 765, this Court has held, on facts, that the car of the appellant therein, which crashed into truck which was proceeding in front of the same, was driven negligently by not maintaining sufficient distance as contemplated under Road Regulations, framed under Motor Vehicles Act, 1988. Whether driver of the vehicle was negligent or not, there cannot be any straitjacket formula. Each case is judged having regard to facts of the case and evidence on record. Having regard to evidence in the present case on hand, we are of the view that both the judgments relied on by the learned counsel for the appellant, would not render any assistance in support of his case.”

13. Further, the Hon’ble Supreme Court in the case of **Mathew Alexander vs. Mohammed Shafi & Anr. [(2023) 13 SCC 510]** has held as under :

“9....A holistic view of the evidence has to be taken into consideration by the Tribunal and strict proof of an accident caused by a particular vehicle in a particular manner need not be established by the claimants. The claimants have to establish their case on the touchstone of preponderance of probabilities. The standard of proof beyond reasonable doubt cannot be applied while considering the petition seeking compensation on account of death or injury in a road traffic accident. To the same effect is the observation made by this Court in Dulcina

Fernandes vs. Joaquim Xavier Cruz, (2013) 10 SCC 646 which has referred to the aforesaid judgment in Bimla Devi.”

14. In view of the law and the discussion above, no fault can be found with the findings recorded by the Tribunal as regards factum of the accident due to rash and negligent driving of the offending vehicle by the driver of the offending car. Accordingly, the present appeals being devoid of any merit are dismissed. Pending applications, if any, also stand disposed off.

20.02.2026
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO