

**117 FAO-5280-2025 & connected cases****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****1. FAO-5280 of 2025****Reliance General Insurance Co. Ltd****.....Appellant****Vs.****Sindhu Babu Pillai and ors****.....Respondents****2. FAO-5282 of 2025****Reliance General Insurance Co. Ltd****.....Appellant****Vs.****Smt. Seema Chauhan and ors****.....Respondents****3. FAO-5299 of 2025****Reliance General Insurance Co. Ltd****.....Appellant****Vs.****Srada Agosh and ors****.....Respondents****4. FAO-5300 of 2025****Reliance General Insurance Co. Ltd****.....Appellant****Vs.****Smt. Esha Singh and ors****.....Respondents****Date of Reserve: 30.01.2026****Date of Pronouncement: 16.02.2026****Uploaded on:- 18.02.2026*****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. D.K. Prajapati, Advocate
for the appellant (s).****Mr. B.S. Negi, Advocate
for respondent Nos. 5 and 6 in FAO No. 5282-2025
for respondent Nos. 3 and 4 in FAO No. 5299-2025,
for respondent Nos. 5 and 6 in FAO No. 5300-2025 and**



117 FAO-5280-2025 & connected cases

for respondent Nos. 2 and 3 in FAO No. 5280-2025.

Ms. Nilakshi Joseph, Advocate
for respondent No. 8 in FAO No. 5282-2025
for respondent No. 6 in FAO No. 5299-2025,
for respondent No. 8 in FAO No. 5300-2025 and
for respondent No. 5 in FAO No. 5280-2025.

Mr. Punit Jain, Advocate
for Universal Sompu General Insurance Co.

Mr. Manoj Kumar Sharma, Advocate
for respondent No. 7-driver.

Mr. Jatin Kumar, Advocate
for respondent Nos. 4 and 5.

Mr. P.S. Chauhan, Advocate
for respondent No. 1 in FAO No. 5280-2025
for respondent No. 1 to 4 in FAO No. 5282-2025
for respondent No. 1 and 2 in FAO No. 5299-2025 &
for respondent Nos. 1 to 4 in FAO No. 5300-2025 .

* * *

SUDEEPTI SHARMA J. (ORAL)

1. Since the challenge in the present appeals is on the same grounds, therefore, all the above mentioned appeals are decided, vide this common judgment.

2. The above mentioned four appeals are preferred against award dated 09.07.2025 passed in the claim petitions filed under Sections 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Chandigarh (for short, 'the Tribunal'), whereby the appellant-Reliance General Insurance Company was fastened with the entire liability to pay the compensation to the claimants in all the appeals.

FACTS NOT IN DISPUTE

3. The brief facts of the case are that on on 23.10.2018, the deceased persons namely Vipin Kumar 2 Chauhan, Sanjay Kumar, Babu Pellai and Aagosh Gopalan were going to Baddi in a car bearing Registration No. PB-01B-7678

**117 FAO-5280-2025 & connected cases**

which was being driven by its driver on its correct side at slow speed. At about 6.30 AM. when they reached near Village Kiratpur, meanwhile a truck bearing registration No. HP-64-3785 came from the side of Baddi at a high speed in rash and negligent manner and struck against the car in which the deceased along with other persons were sitting. Due to the accident, all the occupants crushed in the car and sustained serious injuries on their head and other parts of the body. Two persons were died at the spot and remaining were referred to the Civil Hospital, Sector 6. Panchkula where two other persons also died during treatment. The said accident took place due to the rash and negligent driving of the driver of offending vehicle bearing registration No. HP-64-3785 and the deceased was not at fault. Regarding this accident, FIR No. 299 dated 23.10.2018 U/s 279, 337 & 304 A of IPC at Police Station Pinjore was registered against the driver Sh. Dinesh, respondent No. 1 and a criminal case is also pending against the driver of the offending truck before learned Area Magistrate.

4. Upon notice of the claim petition, respondents appeared and denied the factum of compensation.

5. From the pleading of the parties, the Tribunal framed the following issues:-

- “1. Whether the deceased namely Vipin Kumar Chauhan, Sanjay Kumar, Agosh Gopalan and Babu Pillai died as a result of injuries suffered in a motor vehicular accident which was caused due to rash and negligent driving of Truck Bearing No. HP-64-3785 which was being driven by respondent No.1OPP*
- 2. Whether claimants are entitled for any compensation on account of death? if yes, from whom and to what extent?OPP*

**117 FAO-5280-2025 & connected cases**

3. Whether the driver of the offending vehicle was not holding a valid driving licence at the time of accident and has violated the terms and conditions of the Insurance Policy? If so, its effect? OPR.

4. Relief.”

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 (s)-Insurance Company. Hence the appellant-Insurance Company filed the present appeal seeking that the liability be fastened upon the Insurance Company of car bearing registration No. PB-01-B-7678 to pay the compensation to the claimants.

SUBMISSIONS OF THE COUNSELS

7. Learned counsel for the appellant (s)-Insurance Company contends that the learned Tribunal has wrongly made the appellant (s) liable to pay the compensation to the claimants whereas driver of the car bearing registration No. PB-01-B-7678 namely Tanveer was at fault and thus, the liability to pay the compensation to the claimants should be fixed upon the Insurance Company i.e Universal Sompo General Insurance Company of the car.

8. He further contends that the statement of Tanveer (driver of the car bearing registration No. PB-01-B-7678) is totally ignored by the learned Tribunal wherein he stated that there was a slight curve where the accident took place. Further that 50% liability be fixed upon the Insurance Company i.e Universal Sompo General Insurance Company of the car bearing registration No. PB-01-B-7678.

9. He further challenges the award on the quantum of compensation awarded to the claimant (s) on the ground that the compensation granted is on

**117 FAO-5280-2025 & connected cases**

higher side. Therefore, he prays that the present appeal (s) be allowed and impugned award be modified.

10. Per contra, learned counsel for the respondents contends that the owner and driver of the offending truck bearing registration No. HP-64-3785 never stepped into witness box to contend that the driver of the car namely Tanveer was negligent in driving the car bearing registration No. PB-01-B-7678. Further no issue regarding negligence on the part of the driver of the car bearing registration No. PB-01-B-7678 was framed by the learned Tribunal. He, therefore prays that the present appeal (s) be dismissed.

11. I have heard learned counsel for the parties and perused the whole record of this case.

12. Before proceeding further, it is relevant to reproduce the relevant portion of the award, which reads as under:-

ISSUE No.1

18. Onus to prove issue No. 1 is upon the claimants as they are duty bound to prove that in a motor vehicle accident which took place due to rash and negligent driving of respondent No. 1 who was driving Truck bearing registration No. HP-64-3785 and caused death of four persons.

19. In order to prove issue No 1, claimants have examined PW-1 to PW-5 Rajmal Chauhan as PW-1, Seema Chauhan as PW-2, Esha Singh as PW-3, Shradha Agosh as PW-4, Smt. Sindhu Babu Pillai PW-5, family members of the deceased persons who deposed as per the averments of the claim petition.

20. PW-6 Pardeep Verma, Manager HR of Torrent Pharmaceuticis Baddi has brought the salary record of their employees namely Vipin Kumar Chauhan, Sanjay Kumar, Babu Pillai and Mr. Agosh Gopallan and they were permanent employee of their company. He proved their salary record etc. Ex. P31 to Ex. P55.

**117 FAO-5280-2025 & connected cases**

21. PW-7 Ghanshyam (eye witness) has deposed that on the date of accident le 23.10.2018 he was going Pinjore to Baldi on his motorcycle regarding the accident which took place due to the negligent driving of driver of offending truck bearing registration NO. HP-64-3785 which was driven by its driver at high speed in rash and negligent manner. He has proved on record his aadhar card Ex. P55.

22 To rebut the evidence led by petitioner, respondent No. 4 Tanveer appeared and deposed that on 23.10.2018 he was driving car bearing registration No.PB01B 7678 at slow speed and on his correct side. He was carrying Vipin Kumar, Sanjay Kumar, Agosh Gopalan and Babu Pillai to Baddi to attend their duties. At about 6.30 AM, when they reached near Kiratpur village a truck bearing registration No. HP-64-3785 came from Baddi side in rash and negligent manner and struck against car due to which accident took place and aforesaid four persons expired. FIR No. 299. dated 23.10.2018 was registered against respondent No. 1. In documentary evidence, he has tendered copy of his driving licence Ex. RI. copy of the registration certificare of his truele Ex R2 and copy of insurance policy Ex.R3 and thereafter closed his evidence.

23. It is well settled principle of law that the cases under Motor Vehicles Act, are not to be decided as the cases under the Civil Law. The Motor Accident Claim Tribunal is required to evolve its own procedure which may be in consonance of the broad principles of natural justice. The principles of Code of Civil Procedure and Evidence Act are not applicable in the inquiry by the Motor Accident Claims Tribunal. Reliance can be placed on the case titled as Gurdeep Kaur widow of Shri Sukhdev Singh Versus Tarsem Singh and others 2008(1) Latest Judicial Reports 05. Moreover, these are the summary proceedings and the Tribunal has to find out the rash and negligent driving from the material available on the record.

24. The learned counsel for respondent No. 3 argued that the accident did not take place due to negligent driving of the respondent No. I who was driving the truck bearing registration

**117 FAO-5280-2025 & connected cases**

No. HP-64-3785. He further pointed out that the mechanic report and statement of RW-2 ASI Rampal show that Ertica car was damaged from left side and both the vehicles as well as truck was hit from their left side. The learned counsel for the respondent No. 3 has drawn the attention of this Court towards site plan Ex. RW-3/1 which reveals that at point A accident had taken place which is towards the wrong side, if the evidence of the eye witness is considered that Ertiga car was going towards Baddi Infact, the accident took place as Ertiga car was overtaking another truck and it negligently collided with truck coming from opposite side. The fact that both the vehicles were got damaged towards left side leads to the inference that the accident took place due to negligence of driver of Ertiga car. The learned counsel for respondent No. 3 further pointed out that driver of Ertiga vehicle appeared as RW-1 and in his cross, examination, he admitted that there was a slight curve where the accident took place and width of the road is about 18-20 feet. He further admitted that left side of the truck was hit left side of the car. A truck was going ahead of him. He was not overtaking the said truck. He further admitted that the accident took place at his side but 2-3 meters away from his side. He further admitted that he could not see the truck which was coming from opposite side. Thus, the aforesaid statement of RW-1 Tanveer clearly reveals that the accident took place due to the negligent driving of driver of Ertiga car. However, this contention of counsel for respondent No. 3 does not hold much force for a simple reason that it is the constant case of the petitioners/claimants that the deceased were sitting in Ertiga car bearing No.PB-01B-7678 which was going to Baddi on its correct side, meanwhile a truck bearing registration No. HP-64-3785 came from Baddi Nalagarh side at a high speed and struck against the car due to which all the occupants of the car crushed and sustained serious injuries. In order to prove rash and negligent driving of the respondent No. 1, the petitioners/claimants have examined PW-7 Ghanshyam, who was the eye witness of the accident. An FIR has been registered

**117 FAO-5280-2025 & connected cases**

against the respondent No. 1. The driver of car In his crossS Tanveer has supported the case of the petitioners examination RW-1 Tanveer has stated that there was a slight curve where the accident took place. He further admitted that the offending truck hit its left side with left side of his car. RW-2 ASI Rampal who has proved the mechanic report of the car bearing registration No. PB-018-7678 which reveals that left side of the car got damaged. Thus, from the fact that both the vehicles have got damaged their left side does not mean that accident had taken place due to negligent driving of car which was coming on its left side. No doubt, it has come in evidence of RW-1 Tanveer that a truck was going ahead of him and he was thinking to overtake that truck but he did not overtake the truck. Meanwhile, offending truck came from opposite side and rammed his left side to the car. A perusal of cross examination of PW-7 Ghanshyam nowhere reveals that any suggestion has been given to independent witness that the accident took place when the Etriga car was overtaking another vehicle which was coming from opposite side. No suggestion has been given to this witness that both the vehicles got damaged from left side due to the fault on the part of Etriga car. In these circumstances, when no evidence has been led by the respondents to show that the accident did not take place in the manner as deposed by the eye witness PW-7 Ghanshyam and RW-1 Tanveer (who admittedly was driving the car bearing registration No. PB-01B-7678) it cannot be said that the case as set up by the petitioners/claimants regarding negligent driving and offending truck bearing registration No. HP-64-3785 has not been duly proved.

23. In this case, the respondent No.1 being the driver and respondent No. 2 being the owner of the offending vehicle did not appear in the witness box to rebut the case of the petitioners/claimants that accident has not taken place due to their negligence, so adverse inference is drawn against him. Reliance can be placed on the case titled Raju and ors. Versus Sukhwinder Singh and Ors., 2007(1) LJR 728 in which it has been

**117 FAO-5280-2025 & connected cases**

held that the adverse inference has to be drawn against the driver and owner if he does not come forward to deny his negligence. Keeping silence for a long period shows that accident took place due to his rash and negligent driving.

25. In the case titled National Insurance Company Limited Versus Pushpa Rana and others 2009 ACJ 287, it has been held that certified copy of criminal case, such as, First Information Report, recovery memo and mechanical inspection report of vehicle are documents of sufficient proof to reach the conclusion that driver was negligent. There is nothing on record to show why un rebutted statement of the claimant be not accepted.

26. Moreover, it has been duly established on record that respondent No. 1 Dinesh is facing trial in a criminal case regarding accident in question, FIR No. 299 dated 23.10.2018 U/s 279,337, 304-A of IPC, PS Pinjore, Haryana (Ex. P58) registered against Dinesh Kumar respondent No. 1. Since proceedings under the Motor Vehicle Act are summary in nature, mere fact that driver of the offending vehicle is facing trial in a criminal case regarding the accident in question, is prima facie sufficient to hold that accident had taken place on account of his rash and negligent driving. In post mortem reports of deceased persons namely Vipin Kumar Chauhan Ex.P5, Sanjay Kumar Ex. P17, Agosh Goplan Ex.P19 and Babu Pillai Ex. P25 the cause of death is mentioned due to injuries in the accident.

27. In view of my observations made above, claimants have been able to prove that the persons namely Vipin Kumar Chauhan, Sanjay Kumar, Babu Pellai and Aagosh Gopalan died after receiving serious head injuries in an accident which took place on 23.10.2018 caused by respondent No. 1 while driving offending Truck bearing registration No. HP-64-3785 in a rash and negligent manner. Therefore, it cannot be held that the claim petitions are not maintainable as alleged by respondents. Accordingly. issue No. 1 is decided in favour of claimants and against the respondents.

**117 FAO-5280-2025 & connected cases****ANALYSIS OF THE RECORD**

13. A bare perusal of the impugned award reveals that the learned Tribunal has returned categorical finding of negligence against the driver of the offending truck bearing registration No. HP-64-3785, based upon cogent oral as well as documentary evidence on record.

14. Ghanshyam, eye-witness to the occurrence, examined as PW-7, deposed in unequivocal terms that the said truck was being driven in a rash and negligent manner and had struck against the car, thereby causing the fatal accident. His testimony has remained unshaken in cross-examination and inspires confidence. The driver of the car, namely Tanveer, also entered the witness box and corroborated the version of PW-7 by stating that the truck in question was being driven at a high speed and in a negligent manner, and that it hit the car, resulting in the unfortunate death of the occupants. Significantly, FIR was registered against the driver of the offending truck in relation to the said accident, which lends further assurance to the version put forth by the claimants.

15. However, no evidence, either oral or documentary, was adduced on behalf of the appellant–Insurance Company to substantiate its plea that the accident occurred due to the contributory negligence of the driver of the car. The bald assertion regarding contributory negligence is not supported by any material on record

16. It is further noteworthy that no issue with regard to contributory negligence was framed by the learned Tribunal, nor was any evidence led by the appellant–Insurance Company to establish the same. In this regard, the Hon’ble Supreme Court in ***M. Nithya and Others v. SBI General Insurance Co. Ltd., passed in SLP (Civil) No. 833-834 of 2023*** has held that where no issue on contributory negligence was framed by the Tribunal, the High Court ought not to

**117 FAO-5280-2025 & connected cases**

entertain such a plea so as to reduce the compensation awarded. The ratio of the said judgment squarely applies to the facts of the present case.

17. Upon an overall appreciation of the evidence, both oral and documentary, this Court finds no infirmity in the finding recorded by the learned Tribunal that the accident occurred solely on account of the rash and negligent driving of the driver of the offending truck.

18. So far as contention of learned counsel for the appellant-Insurance Company regarding the quantum of compensation is concerned, that also do not require any interference by this Court, as compensation has been granted to the claimants as per settled law and therefore, no ground for interference in the same is made out.

19. In the wake of the above, the present appeals are dismissed being devoid of any merits.

20. Pending application (s), if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes