

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.

...Appellant

VS.

SANTOSH RANI AND OTHERS

...Respondents

Reserved on: 06.02.2026
Pronounced on: 06.03.2026
Uploaded on: 12.03.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

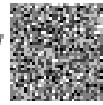
CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sachin Ohri, Advocate
Mr. Sachin Gupta, Advocate
for the applicant/appellant/Insurance Co.

Mr. Dheeraj Narula, Advocate
for respondent Nos.1 to 5.

SUDEEPTI SHARMA, J. (Oral)

1. Since award dated 02.07.2025 is challenged in all the appeals, therefore, all the three appeals shall be decided vide this common judgment.
2. The present appeal is preferred against award dated 02.07.2025 passed by Motor Accidents Claims Tribunal, Sirsa, Haryana, whereby, claimants were awarded compensation on account of death of Mahender Singh, Nek Chand and on account of multiple serious, grievous injuries and permanent disability to Rohit Kumar and liability was fixed upon appellant-Insurance Company.
3. Brief facts of the case are that on 02.02.2020 at about 8.00 AM, the husband of the petitioner No.1, Nek Chand, Simran, Mohit, Rohit and

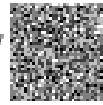


-2-

Sunil had left Village Bahabalpur Theri for Jalalabad (Punjab) for attending marriage in a Alto Car No.HR-22-M/3224 which was being driven by Mahender Singh (since deceased) at a moderate speed and correct left side of the road. Thereafter they went to petrol pump after crossing Toll Plaza Bdhavdeen for filling fuel in the car. At about 9.15AM, after filling fuel in car, when they were going toward Sirsa, then the road was closed and lot of vehicles were standing on the road and due to this reason all the vehicle were going and coming on the same road (Petrol Pump side) and when they were going towards Sirsa side meanwhile a Car Mahindra and Mahindra No.DL-10-CT/1492 colour white came from Sirsa side, which was being driven by respondent No.1 at a high speed and in rash and negligent manner and struck his XUV car into the car of Mahender Singh. The impact was so great that all the person of Alto Car sustained serious, grievous and multiple injuries on their person and both cars were become damaged. The respondent No.1 has fled away from the place of occurrence after causing this accident while leaving his Car on the spot. Thereafter all the injured persons brought to GH Sirsa where Mahender Singh and Nek Chand were declared dead by the doctors due to the injuries sustained by them in this accident. Om Parkash son of Ram Chand, brother of Nek Chand was informed by his son Sunil about the accident through Mobile phone who reached at the spot as well as Hospital.

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

“1. Whether Mahender Sinfg son of Kashmir Chand, Nek Chand @ Harnek Chand son of Ram Chand died, Rohit



Kumar sustained injuries and Car No.HR22M- 3224 damaged in a road accident which took place due to rash and negligent driving of car bearing No. DL10CT-1492 by respondent No.1 as alleged in the petition?OPP

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

3. Whether the respondent No.1 was not having any valid and effective driving licence at the time of alleged accident and contravened the terms and conditions of the insurance policy?OPR.

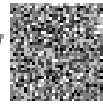
4. Relief”

5. After considering the evidence, oral as well as documentary, the claim petition filed by the claimants was allowed and appellant-Insurance Company was held liable to pay compensation. Hence, the present appeal.

6. Learned counsel appearing for the appellant–insurance company contends that the finding recorded by the learned Tribunal on Issue No. 1 with regard to negligence is unsustainable in law and on facts. He further contends that learned Tribunal failed to properly appreciate the material evidence available on record, particularly the site plan (Ex. P-7). He further contends that site plan clearly indicates that the Alto Car bearing registration No. HR-22M-3224 was being driven on the wrong side of the road at the time of the accident.

7. He further contends that the road in question was not closed for traffic, fact which stands corroborated not only from the site plan but also from the testimony of the Investigating Officer, PW-7 Varyam Chand.

According to the appellant, despite the availability of this crucial evidence,



learned Tribunal has recorded a finding of negligence against the driver of the offending vehicle without analysis of the site plan and the deposition of the Investigating Officer. Such omission has resulted in an erroneous conclusion on Issue No. 1. On this basis, learned counsel submits that the material on record, at the very least, establishes contributory negligence on the part of the driver of the Alto Car, who unfortunately lost his life in the accident. It is, therefore, prayed that the impugned award be set aside to that extent and the present appeals be allowed.

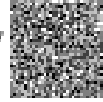
8. Per contra, learned counsel for the respondents No.1 to 5-claimants contends that learned Tribunal has rightly fixed the liability and has rightly decided issue Nos.1 to 3. He therefore, prays that the present appeals be dismissed.

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

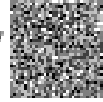
10. It would be apposite to reproduce the relevant portion of the award, which is reproduced as under:-

ISSUE NO.1 to 3

“21. These issues are taken up together for disposal being interconnected and interlinked. Claimant No.1 Santosh Rani while appearing in witness box as PW1 has reiterated the claim or the stand taken in the claim petition, not being reproduced here for the sake of brevity. PW2 Santosh Rani alias Santosh Kumari(wife of deceased Nek Chand) has reiterated the claim the stand taken in the claim petition, not being reproduced here for the sake of brevity. PW3 has stated that in the present accident car bearing No.HR24M-3224 owned by him had



fully damaged and the surveyor has assessed the loss of vehicle as Rs.3,00,000/-.PW4 Bimla Devi has stated that in the said accident Rohit has received serious, grievous and multiple injuries. A sum of Rs.2,00,000/- was spent on his treatment. She further stated that accident took place due to rash and negligent driving of respondent No.1. PW5 Sunil Kumar reiterated the claim of the petition or stand taken in the claim petition, not being reproduced here for the sake of brevity. He further stated that accident took place due to rash and negligent driving of respondent No.1. PW6 Karandeep Singh has proved motor surveyor report Ex PW6/B prepared by his father who had died on 22.06.2021.PW7 Varyam Chand No.566, Police Post Subji Mandi, City Sirsa has proved statement of complainant Om Parkash Ex.P1, FIR Ex. P2, proceedings under Section 174 Cr.P.C. Ex.P3 and Ex.P4, postmortem reports Ex.P5 and Ex.P6, scaled site plan Ex.P7, recovery memo of vehicle Ex.P8, statement of Om Parkash Ex. P9, mechanical reports of vehicles Ex.P10 and Ex.P11, statement of Amrik Singh mechanic Ex. P12, statement of Rohit and Sunil Ex. P14 and Ex.P15, arrest memo of respondent No.1 Ex. P16, report under Section 173 Cr.P.C. Ex.P17 in his evidence, PW8 Dr. Anil Kumar proved treatment record of Rohit i.e. case summary/discharge summary Ex.PW8/1, hospital charges and bills Ex.PW8/2, OPD Slip Ex.PW8/3 to Ex. PW8/5, receipts/bills on account of medicines Ex.PW8/6 to Ex. PW8/11 and Ex.PW8/12 in his evidence and PW9 Om Parkash reiterated the claim in the petition or stand taken in the claim petition, not being reproduced here for the sake of brevity. He further stated that accident took place due to rash and negligent driving of respondent No.I.



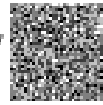
Witnesses PW1 to PW5 and PW9 stated in their evidence that accident took place due to rash and negligent driving of respondent No.1.”

11. A perusal of the impugned award reveals that the learned Tribunal has returned a well-reasoned finding that the accident in question occurred on account of rash and negligent driving of the driver of the offending vehicle bearing registration No.DL-10-CT-1492. The finding is duly supported by the evidence available on record and does not suffer from any perversity.

12. It is borne out from the record that FIR No. 0025 dated 02.02.2020 was registered on the very day of the occurrence. In the FIR, it has been specifically alleged that the accident took place due to the negligent driving of Sandeep, the driver of the offending vehicle. The prompt registration of the FIR lends due assurance to the version put forth by the claimants-respondents No.1 to 5.

13. Further, the oral testimony of the witnesses examined by the claimants also lends consistent support to the case set up in the claim petition. PW-1 to PW-5 and PW-9 have categorically deposed that the accident occurred due to the rash and negligent driving of respondent No.6. Their testimonies remain consistent on the material aspects of the occurrence and nothing substantial has been brought on record during cross-examination to discredit their version. The learned Tribunal, upon a careful appreciation of the evidence, has found their statements to be reliable and trustworthy.

14. The appellant-Insurance Company had denied the involvement of the offending vehicle as well as the presence of respondent No.6 at the

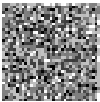


time of the accident. However, apart from taking such a plea, no cogent or reliable evidence has been led by them to substantiate the same. In the absence of any credible rebuttal evidence, learned Tribunal was justified in placing reliance upon the evidence adduced by the claimants-respondents No.1 to 5.

15. So far as the contention raised by learned counsel for the appellant-insurance company that the learned Tribunal failed to consider the site plan (Ex. P-7) is concerned, the same is devoid of merit. It is not in dispute that the site plan was prepared subsequent to the occurrence during the course of investigation. A site plan drawn post facto can at best serve as a corroborative piece of evidence and cannot prevail over direct and reliable ocular testimony, unless it clearly contradicts the same. In the present case, no such contradiction has been demonstrated. The learned Tribunal, therefore, rightly accorded greater evidentiary value to the consistent testimony of the witness(es).

16. Similarly, the contention that the road in question was not closed for traffic, as allegedly indicated in the testimony of PW-7 Varyam Chand, the Investigating Officer, does not advance the case of the appellant-Insurance Company. A holistic reading of the testimony of the Investigating Officer (PW-7) does not establish any circumstance which would discredit the version of the claimants or probabalise the plea of contributory negligence.

17. It is also well settled that proceedings before the Motor Accident Claims Tribunal are in the nature of summary civil proceedings, wherein the



claimants are required to establish their case on the touchstone of preponderance of probabilities and not by proof beyond reasonable doubt, as is required in criminal trials. The learned Tribunal has rightly kept this settled principle of law in view while appreciating the evidence on record.

18. In light of the aforesaid discussion, this Court finds that the learned Tribunal has correctly concluded that the accident occurred due to the rash and negligent driving of respondent No.6, the driver of the offending vehicle. The finding so recorded is based on proper appreciation of the evidence and does not call for any interference by this Court in appellate jurisdiction.

19. Consequently, the present appeals are **dismissed** being devoid of any merit.

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

06.03.2026

Saahil

(SUDEEPTI SHARMA)
JUDGE

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