

IN THE COURT OF UPINDER SINGH JANDU,
MOTOR ACCIDENT CLAIM TRIBUNAL, SANGRUR.
[UID:PB0842]

CNR No.

PBSG010000102023

Case No. MACP/03/2023

Presented on : 02.01.2023

Registered on : 03.01.2023

Decided on : 04.02.2026

Claimant	Versus	Respondents
Lovepreet Singh alias Lavepreet Singh aged about 20 years son of Rajveer Singh, resident of Village Sakrodi, District Sangrur.		1. Hardeep Singh son of Gurnam Singh, resident of village Bharur, Tehsil Sunam, District Sangrur (Driver of the Car bearing registration number PB-13BN-4418) 2. Kuldip Singh son of Jodha Singh, resident of Dalomal Patti, village Badrukhan, Tehsil and District Sangrur (Owner of the Car bearing registration number PB-13BN-4418) 3. United India Insurance Company Limited, City Road, NRG Complex, Ist Floor, Sunam, District Sangrur through its Branch Manager, Sangrur. (Insurer of the Car bearing registration number PB-13BN-4418)

Claim Petition under Section 166 of Motor Vehicle Act.

Present:- Sh. S.K.Fatta, Advocate for claimant.

Sh. N.K.Puri, Advocate for respondents number 1 and 2.

Sh. Sanjeev Kumar, Advocate for respondent number 3.

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FORM ‘A’

Claimant	Lovepreet Singh alias Lavepreet Singh aged about 20 years son of Rajveer Singh, resident of Village Sakrodi, District Sangrur.
Represented by	Sh. S.K.Fatta, Advocate for claimant.
Respondents number 1 and 2	1. Hardeep Singh son of Gurnam Singh, resident of village Bharur, Tehsil Sunam, District Sangrur (Driver of the Car bearing registration number PB-13BN-4418) 2. Kuldip Singh son of Jodha Singh, resident of Dalomal Patti, village Badrukhan, Tehsil and District Sangrur (Owner of the Car bearing registration number PB-13BN-4418)
Represented by	Sh. N.K.Puri, Advocate for respondent.
Respondent number 3	3. United India Insurance Company Limited, City Road, NRG Complex, Ist Floor, Sunam, District Sangrur through its Branch Manager, Sangrur. (Insurer of the Car bearing registration number PB-13BN-4418)
Represented by	Sh. Sanjeev Kumar, Advocate for respondent.

FORM ‘B’

A. Claimants Witnesses:

Rank	Name	Nature of Evidence
CW1	Anupreet Singh, Junior Assistant, Government College, Roshanwala	Record regarding admission of Lovepreet Singh in the college.
CW2	Chamkaur Singh, Private Doctor	Advised to take Lovepreet Singh to some other hospital
CW3	Gurjit Singh, Record Keeper, Prime Hospital, Sunam	OPD record of Lovepreet Singh
CW4	Jasvir Singh, Computer	To prove medical record along with

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	Operator	disability certificate of Lovepreet Singh
CW5	Lakhvir Singh	Eye witness
CW6	Rajveer Singh	Father of injured Lovepreet Singh
CW7	Sukhjot Singh, Medical Record, Technician, Medical Record Department, PGI Chandigarh	To prove admission and discharge and major surgery of Lovepreet Singh
CW8	Dr. Harbans Singh, MO Civil Hospital Sangrur	To prove disability of Lovepreet Singh

B. Respondents Witnesses:

Rank	Name	Nature of Evidence
NA	NA	NA

LIST OF PLAINTIFF/DEFENDANT /COURT EXHIBITS

A. Claimants Exhibits:

Sr. number	Exhibit Number	Description
1.	Ex.C1	Online Admission Portal Department of Higher Education, Punjab Course Wise List of Students with Roll number
2.	Ex. C2	ID Card List for the year 2022-2023
3.	Ex. C3	Record of Punjabi University, Patiala with regard to admission of Lovepreet Singh
4.	Ex. C4	Copy of OPD slip of Prime Hospital, Sunam
5.	Ex.C5	Certified copy of issuing Medical Authority Form
6.	Ex.CW5/A	Affidavit of Lakhvir Singh
7.	Ex.C6	Certified copy of disability certificate of Lovepreet Singh
8.	Ex.CW6/A	Affidavit of Rajveer Singh
9.	Ex.C7	Certified copy of Unique disability ID card of Lovepreet Singh
10.	Ex.C8	Regarding the admission record of Nehru Hospital pertaining to Lovepreet Singh
11.	Ex.C9	FIR
12.	Ex.C10	Certified copy of report u/s 173 Cr.P.C.

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13.	Ex.C11	Copy of charge sheet
14.	Ex.C12	Certified copy of application dated 17.04.2023
15.	Ex.C13	Certified copy of Order dated 24.04.2023
16.	Ex.C14	Receipt of Chatha Ambulance service
17.	Ex.C15 to Ex.C26	Medical bills
18.	Ex.C27	Receipt of Chatha Ambulance service
19.	Ex.C28 to Ex.C30	Medical bills
20.	Ex.C31	Receipt of Preet Tour and Travel Bus Stand Jakhwalli, District Fatehgarh Sahib
21.	Ex.C32 to Ex.C34	Medical bills
22.	Ex.C35	Photocopy of Aadhar Card

B. Respondents Exhibits:

Sr. number	Exhibit Number	Description
1.	Mark-A	Copy of Driving license of Hardeep Singh
2.	Mark-B	Copy of RC of vehicle bearing registration number PB-13BN-4418
3.	Mark-C	Copy of insurance policy of vehicle bearing registration number PB-13BN-4418
4.	Ex. D1	Copy of Insurance policy of Vehicle bearing registration number PB-13BN-4418

AWARD:

1. The claimant Rajveer Singh being father/natural guardian of Lovepreet Singh minor has filed this claim petition under Section 166 of the Motor Vehicles Act, 1988, for grant of compensation on account of the injuries suffered by Lovepreet Singh son of Rajveer Singh in a motor vehicle accident.

2. In the claim petition, it has been pleaded by the claimant that on 27.10.2022 at about 01:30 PM, the claimant along with one Kulvir

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Singh was standing opposite Government Degree College Roshanwala waiting for bus. In the mean time, a car bearing registration number PB-13-BN-4418 came from Roshanwala Side. The driver of the said car was driving his vehicle at a very high speed, rashly and negligently and he struck his car into the claimant and Kulvir Singh due to which the claimant and Kulvir Singh fell on the road and suffered multiple grievous injuries. The claimant was immediately taken to Dr. Chamkaur Singh, Chamkor Clinic Bhawanigarh from where he was referred to Prime Hospital Sunam and then to PGI Chandigarh for better treatment, where he remained admitted from 28.10.2022 to 30.10.2022 and is still under treatment. Thereafter, on the statement of Rajveer Singh an FIR number 240 dated 08.11.2022 under Section 279/337/338 IPC, P.S. Bhawanigarh was registered. The claimant suffered multiple grievous injuries and permanent disability due to the rash, negligent and careless driving of respondent number 1 while driving the car bearing registration number PB-13-BN-4418. The injured was of 17 years of age and was quite hale and hearty at the time of accident. He was studying in B.A. 1st year at Government Degree College, Roshanwala. After college, the claimant used to do dairy work and was earning Rs. 10,000/- per month. The claimant is under mental shock and agony. The life of the claimant has been spoiled due to this accident. He has not been able to perform his daily routine works properly and is dependent upon others. The quality of life of the claimant has been deteriorated for his entire life. Respondent

number 1 is the driver and respondent number 2 is the owner of the above said vehicle. Respondent number 3 is the insurer of the vehicle in question. As such, all the respondents are jointly and severally liable to pay the compensation under Section 166 of Motor Vehicle Act to the claimants. Hence, this claim petition for grant of compensation worth Rs.50,00,000/- (Fifty Lakh only).

3. Notice of the claim petition was issued to respondents. Respondent number 1 appeared through counsel and filed written reply to the main petition and pleaded that no accident had ever taken place with the car of respondent. The police of police station Bhawanigarh has wrongly registered FIR against the answering respondent. It is admitted that car in question was insured with United India Insurance Company Limited. The other averments of the claim petition were denied being wrong and it is pleaded that the claim petition be dismissed.

4. Respondent number 2 appeared through his counsel and filed written reply to the main petition and pleaded that no accident had ever taken place with the car of answering respondent. Respondent number 1 has been falsely implicated in the present FIR. The police of police station Bhawanigarh has wrongly registered FIR against the respondent number 1. It is admitted that car of the answering respondent was insured with United India Insurance Company Limited. The other averments of the claim petition were denied being wrong and it is pleaded that the claim petition be dismissed.

5. Respondent number 3 appeared through counsel and filed written reply to the main petition and pleaded that no accident has taken place as alleged by the claimant. The driver of the car was not holding a valid driving license at the time of alleged accident. The owner of the car was not holding a valid registration, fitness and other documents required to run the vehicle on the road at the time of alleged accident. The alleged FIR has been falsely registered by the police in collusion and conspiracy with the claimant and other respondents to get claim from answering respondent. Moreover, FIR was registered after delay of about 11 days from the date of alleged occurrence. As per record of answering respondent, car bearing registration number PB-13-BN-4418 was insured with answering respondent w.e.f. 13.08.2022 to 12.08.2023 subject to terms and condition of the policy and was registered on the sane of Kuldip Singh son of Jodha Singh. Thus, the answering respondent company has no liability to pay any claim to the claimants. All other material averments of the claim petition have been denied and it has been prayed that same be dismissed.

6. From the pleadings of the parties, the following issues were framed by the tribunal on 29.07.2023:

1. Whether claimants are entitled to compensation on account of injuries and disability suffered by the claimant in a motor vehicular accident occurred on 27.10.2022? OPC
2. Whether the claimant petition is not maintainable? OPR

3. Whether the vehicle in question was insured with United India Insurance Company Limited at the time of alleged accident? OPR

4. Relief.

7. In order to prove his case, claimant has examined Anupreet Singh, Junior Assistant Government College, Roshanwala as CW1, Dr. Chamkor Singh, Orthopaedic Surgeon as CW2, Gurjit Singh, Record Keeper as CW3, Jasvir Singh, Computer Operator as CW4, Lakhvir Singh eye witness as CW5, Rajveer Singh, father of claimant as CW6, Sukhjit Singh as CW7, Dr. Harbans Singh as CW8. Thereafter, learned counsel for the claimant closed the evidence.

8. On the other hand, no witness has been examined by the respondents. Learned counsel for respondent number 1 closed the evidence after tendering into evidence copy of driving license as Mark-A and Mark-B, copy of Insurance Policy as Mark-C. Learned counsel for respondent number 3 closed the evidence after tendering into evidence Insurance policy Ex. R1.

9. I have heard the learned counsel for the parties and have carefully perused the file as per assistance rendered by the learned counsel for the claimant and the respondents.

Arguments by learned counsel for the Claimants:

10. The present claim petition has been filed by claimant

Lovepreet Singh for seeking compensation for the injuries suffered by him on 27.10.2022 in road side accident on account of rash and negligent driving of Hardeep Singh, Respondent number 1 driver of car bearing registration number PB-13-BN-4418. To prove his case the claimant has examined as many as eight witnesses and have also placed on record the copy of the FIR dated 08.11.2022 as Ex.C9, copy of report under Section 173 Ex. C10, charge sheet Ex.C11, application Ex.C12, Order Ex.C13, bail order Ex.C14, medical bills Ex.C15 to Ex.C26, Ex.C28 to Ex.C30, Ex.C32 and Ex.34 respectively. Ex. C14 and Ex.C27 are the receipt of ambulance and Ex.C31 and Ex. C33 are the receipt of transportation charges. Ex.C35 is the copy of Aadhar Card of the claimant. After tendering this entire evidence learned counsel for the claimant closed the evidence on behalf of the claimant.

11. The learned counsel for the claimant has argued that the injured was studying in B.A. 1st year Government Degree College Roshanwala and on account of injury suffered due to the negligent driving of car bearing No. PB-13-BN-4418 by Hardeep Singh, he suffered multiple injuries and was initially taken to the Clinic of Dr. Chamkaur, Bhawanigarh from where he was referred to Civil Hospital Sunam from where he was further referred to PGI Chandigarh where he remained admitted from 28.10.2022 to 30.10.2022 and spent considerable amount on his treatment, the bills of which are placed on record. The claimant has examined CW1 Anupreet Singh Junior Assistant from Government

College Roshanwala, Bhawanigarh to prove that he is studying as student in B.A. 1st year. Further CW2 Dr. Chamkaur Singh has proved initial admission of the claimant in his clinic on 27.10.2022 who has stated that his condition being critical, he was advised to go to some other hospital. CW3 Gurjit Singh is the record keeper of Civil Hospital Sunam who has proved the record of OPD of Civil Hospital Sunam stating that on 27.10.2022, injured Lovepreet Singh had arrived at OPD from where he was referred to PGI Chandigarh. He was not admitted as his case was critical. CW4 Jasvir Singh Computer Operator of Civil Hospital, Sangrur has proved the disability certificate pertaining to Lovepreet Singh as Ex.C6 and certified copy of ID Card as Ex.C7. Further CW5 Lakhveer Singh is the person who had witnessed the stated occurrence and had seen the manner in which accident had taken place and who after the accident immediately took Lovepreet Singh and other injured for medical aid. He also stated that the accident had taken place with the car bearing number PB-13-BN-4418 which was driven at a very high speed and he has seen that accident at about 1:30P.M. in front of Government Degree College Roshanwala. He has further stated that the age of the driver was about 50 years who was wearing a head gear and when he was taking care of the injured, the driver of the car ran away with his car. His statement has been recorded on 08.11.2022. He has further stated in his cross-examination that he inquired well-being of the injured from their parents on phone and stated that he told the registration number of the car to both the injured.

CW6 Rajveer Singh is the father of the injured Lovepreet Singh at whose instance FIR Ex. C9 has been recorded who has stated that his son was studying in Degree College Roshanwala in B.A. 1st year and was also doing diary work and was earning Rs. 10,000/- per month at the time of accident. He further stated that on account of accident, his son is under mental shock and his life has been spoiled by this accident. Even his marriage prospects have been adversely affected. He has proved the FIR which was registered on his statement. Further CW7 Sukhjit Singh has proved the medical record of PGI, Chandigarh as Ex.C8 running into 54 pages. CW8 Dr. Harbans Singh, Medical Officer from Civil Hospital, Sangrur has proved the findings of medical board of doctors of which Dr. Harbans Singh was a member who had physically examined the victim Lovepreet Singh prior to the issuance of the disability certificate who has proved on record the disability certificate and the unique ID issued to injured Lovepreet Singh and has identified his signatures on Disability Certificate Ex.C6 and Unique ID card Ex.C7 and has proved that Lovepreet Singh suffered 85% permanent disability on account of amputation of his left thigh above the knee. The learned counsel for the claimant has argued that the claimant has proved its case by leading sufficient evidence on the file and has prayed that the claim petition be allowed in the interest of justice.

Arguments by the learned counsel for the Respondents:

12. Per contra, the learned counsel for the respondent did not

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examine any witness to controvert the averments contained in the claim petition but, he tendered into evidence the copy of driving license of the driver, Respondent number 1 as Mark A, copy of RC Mark B and copy of insurance policy as Mark C after which the learned counsel for the Respondent number 2 has closed evidence on behalf of Respondent number 2. Learned counsel for the respondent number 3 has placed on record the insurance policy of Vehicle number PB-13-BN-4418 as Ex.D1 and closed the evidence on behalf of Respondent number 3.

13. The learned counsel for the respondents have assiduously argued that there has been delay of almost 11 days in recording the FIR which has been utilized by the claimant in introducing colored version in the case. No accident has happened with the car driven by Respondent No. 1. The learned counsel for the respondent has drawn the attention of this Tribunal towards the statement of CW5 Lakhvir Singh, the stated eye witness whose statement is not free from taint and has argued that he cannot be relied upon as it has come in his cross-examination that he did not tell the car number and driver name to the doctor and he has stated the car number and name of the driver for the first time on 08.11.2022 whereas stated accident is dated 27.10.2022. The said time has been utilized in introducing a false vehicle in the case by the claimant in connivance with the police. Moreover, after the stated accident CW5 Lakhvir Singh did not meet the injured and even he did not went to the hospital to know about their well-being. Even he did not contact the

police from 27.10.2022 to 08.11.2022 regarding the accident nor he himself approached the police to inform the police about the stated accident. Had Lakhvir Singh witnessed the stated occurrence, he would have surely informed the police in this regard. Perhaps, it appears that he has been falsely introduced as a witness in the case subsequently to create a false version for the success of the claim case.

14. Moreover, it is a broad day light occurrence stated to have taken place outside the gate of Degree College Roshanwala. None of the eye witnesses from the said Degree College has been examined which speaks volumes about the falsity of the averments contained in the claim petition qua the happening of the stated accident and has driven the version of CW5 Lakhvir Singh into suspicion about the manner and the time in which the accident is stated to have taken place as deposed by him. It is due to this reason that the matter was not reported to police immediately and there is a delay of about 11 days in reporting the matter to the police.

15. Further, the learned counsel for the respondent has drawn the attention of this Tribunal towards the cross-examination of CW6 Rajveer Singh, father of the claimant who has stated that CW5 Lakhvir Singh had disclosed him the name of driver and the number of the car 2-3 days after the accident; however he doesnot remember the same. This fact also belies the version of CW5 Lakhvir Singh as he has stated in his cross examination that he did not tell the name of the driver of the car and the

car number to the parents of the injured. A detailed scrutiny of the cross-examination of CW6 Rajveer Singh shows that he has stated in his cross-examination that initially Lakhvir Singh was settling a compromise between him and the owner and driver of the car; perhaps they had refused from the compromise. This speaks volumes that Lakhvir Singh and Rajvir Singh were forcing the respondents for effecting a false compromise; for which the respondents were not ready as no accident had happened with their car and when respondents did not agree a false case was got registered against them for the success of this false claim petition.

16. The learned counsel for the respondent has further argued that the claimant has failed to prove on record the academic status of the claimant i.e. whether he was a bright or was an average student. Moreover, as per the report of CW8 Dr. Harbans Singh, Medical Officer, Civil Hospital, Sangrur, there is 85% permanent disability on account of amputation of left thigh. The arguments of the learned counsel for the claimant that there is 100% functional disability has not been supported by the medical evidence on record, moreover, it cannot be considered that on account of amputation of the left thigh above the knee, the claimant has been rendered 100% disabled. So far as functional disability is concerned amputation of left thigh above the knee surely would have dented the regular performance of the claimant, but the liability of the same cannot be imposed upon the respondent as no eye witness has been examined to prove that the accident has occurred due to the vehicle

belonging to the respondent. The sole eye witness examined by the claimant is unworthy of credence and has failed to give credible reply to the material questions put to him, thus, doubting his presence at the spot. He appears to have been introduced subsequently to create a vague story for the success of the claim case. It has been prayed that the claim petition of the claimant is bereft of merit and may kindly be dismissed.

The issue wise finding is detailed as under:

I. Whether claimant suffered injuries in a road accident so caused on 27.10.2022 due to rash and negligent driving of car bearing registration number PB-13-BN-4418 by respondent number 1? OPC

17. The learned counsel for the claimant has argued that the claimant has examined eight witnesses in the case to prove his case that he got injured and suffered multiple injuries in motor vehicle accident and the claimant has proved on record material documents on record including FIR, charge sheet, treatment record, medical bills, ambulance slips, etc. Claimant has proved that he received injuries in motor vehicle accident on 27.10.2022 which fact further is proved from the FIR Ex. C9 and medical treatment record Ex. C8 in the case which shows that Lovepreet Singh has received injuries in a motor vehicular accident for which FIR was registered against the owner and driver of the offending vehicle who are respondents number 1 and 2 respectively.

18. The claimant has proved on record that he has suffered the injuries in Motor Vehicle Accident which occurred on 27.10.2022 on

account of rash and negligent driving by Respondent No. 1 Hardeep Singh. Claimant has examined CW8 Dr. Harbans, Medical Officer, Civil Hospital, Sangrur to prove that on account of stated accident there was amputation of his left thigh above the knee, and claimant had suffered permanent disability which has been assessed at 85%. The disability certificate Ex.C5 and Ex.C6 and the unique ID Ex.C7 have been proved on record. Further the treatment record and the bills have also been proved. The claimant also proved the FIR, the copy of report under section 173 CrPC and charge sheet as Ex.C9, Ex.C10 and Ex.C11 respectively. The claimant has thus proved that he has miserably suffered on account of stated accident.

19. Further CW1 has proved that the claimant was studying in B.A. 1st year in Government College Roshanwala and has proved his admission and roll number in the stated college. Similarly, CW5 is the eye witness in the case who has proved the manner in which the accident has taken place and the injuries have been suffered by claimant. He has been cross-examined at length by the learned counsel for the respondents, but the witness has stood tenacious to his stand and proved that it was the Respondent No. 1 driver of the offending vehicle who caused accident on account of which multiple injuries have been suffered by the claimant as a result of which, the left leg of the injured was amputated from the thigh above the knee and he suffered 85% disability. The contention of the learned counsel for the respondents that the accident has not been caused

by the offending vehicle or that the offending vehicle have been falsely implicated in the case or that there has been delay of 11 days in registering the FIR or that the said delay has been used in introducing the false vehicle in the case, is bereft of merit and does not hold any water. In fact, father of the claimant CW6 Rajveer Singh has proved that they were busy in the treatment of claimant on account of which their first and foremost preference was to take care of the injured and accordingly, thereafter, they have got the FIR registered. Even the respondents have not moved any application qua their alleged false implication in the case. The identity of vehicle is not disputed and is contained in the FIR.

20. In motor vehicle accident claims, the strict principles of evidence do not apply, and claimants do not need to provide proof beyond a reasonable doubt. Instead, the standard of proof is the preponderance of probability, meaning the claimant must show their version of events is more likely true. The Motor Accident Claims Tribunal (MACT) should take a holistic view of all the evidence, such as police reports and witness statements, to determine negligence. Reliance is placed on the findings in **ICICI Lombard General Insurance Co. Ltd. vs. Rajani Sahoo, AIR 2025 SC 774, wherein Hon'ble Supreme Court has held that**, in motor accident claims, the Tribunal is justified in relying on police records, such as FIR and chargesheet, to assess negligence on the touchstone of preponderance of probabilities, rather than strict proof beyond reasonable doubt.

21. Further reliance is placed on the findings in **National**

Insurance Company Limited versus Sanjay Kumar, II (2011) ACC 75, wherein it has been held that, “When driver of offending vehicle is facing criminal trial, prima facie it can be presumed that he was responsible for accident.” Otherwise also, there is no reason with eye witness to depose falsely or to implicate respondent no.1 driver and to allow the actual culprit to go free. It is pertinent to observe that the degree of proof required for proving the negligence on the part of the driver in the present proceedings, is not as vigorous as is required in proving the guilt of the accused in criminal trial. The intent of the present legislation is benevolent and the entire purpose of the legislation is likely to be defeated if in each case the claimant is required to prove beyond reasonable doubt the involvement and negligence on the part of the driver. Light is drawn from the findings of **Hon’ble Supreme Court in Kaushnuma Begum and others vs. New India Assurance Limited, 2001 ACJ 421 SC** and **National Insurance Company Limited vs. Pushpa Rana, 2009 ACJ 289**, wherein it is held that mere involvement of a vehicle is sufficient to establish and hold the claim petition to be maintainable. It is held that even the certified copy of charge-sheet may not be asked for if the claimant is able to satisfy on record the involvement of the offending vehicle through the copy of FIR.

22. This Tribunal has given its thoughtful consideration to the rival submissions and on careful perusal of the averments raised in determining Issue number 1, this Tribunal is of the considered view that

the collective reading of the documentary and oral evidence brought on record reflects sufficient material to hold that it was the driver respondent number 1 who was responsible for the accident and for the plight of the injured. In such circumstances, the claimant has discharged the onus of proving the accident and the injuries suffered by the injured in the accident having been caused due to rash and negligent driving of swift car bearing registration number PB 13 BN 4418 having being driven by respondent number 1. Accordingly, this issue is decided in favour of the claimant and against the respondents as the respondents have miserably failed to prove that the injuries were not suffered by the injured in the stated accident with car bearing registration number PB 13 BN 4418.

II. Whether the claimant petition is not maintainable? OPR

AND

III. Whether the vehicle in question was insured with United India Insurance Company Limited at the time of alleged accident? OPR

23. So far as maintainability of claim petition and vehicle being insured with United India Insurance Company is concerned, the onus to prove that that the claim petition is not maintainable was on the respondents. No evidence has been led by the respondents to prove that claim petition is not maintainable. The claim petition has been filed within the limitation period and this point has not been raised upon by the respondent during the arguments as such the same is decided against the respondents and in favour of the claimant.

24. So far as the question that the offending vehicle was insured with United India Insurance Company Limited at the time of alleged accident or not, the respondent number 3 has himself placed on record insurance policy Ex D1 which shows that the offending vehicle was insured with the United India Insurance Company Limited at the time of stated accident. The learned counsel for the Respondent No. 3 has verified the said policy and placed on record the copy of the policy as Ex.D1 which unerringly shows that the vehicle bearing registration no. PB-13-BN-4418 registered in the name of Kuldip Singh son of Jodha Singh was insured with United India Insurance Company Limited from 13.08.2022 to 12.08.2023. The stated accident has taken place on 27.10.2022, thus, on the date of accident, the offending vehicle was insured with United India Insurance Company Limited as such the stated issue is decided in favour of the claimants and against the respondents.

25. The insurance company has failed to raise any other issue with regard to the validity and legality of the driving license of the driver or fitness certificate of the vehicle in question, as no such issues have been raised by the insurance policy during arguments. Further even no evidence has been led by the Insurance Company to rebut or challenge the authenticity of driving license of respondent number 1, RC or insurance of offending vehicle which has been placed on record as Mark A, Mark B and Mark C respectively. No evidence has been led by respondent number 3 to deny these documents which accordingly thus stand admitted as per

the legislative provisions contained in Section 58 of the Evidence Act and stands proved as facts admitted need not be proved.

IV. Relief:

26. The fact that injured has received injuries in the motor vehicle accident on 27.10.2022 on account of rash and negligent driving of respondent number 1 with offending vehicle having been proved, injured is entitled to compensation for the injuries having been suffered by him in the said accident. The medical bills Ex. C15 to Ex. C26 , Ex. C28 to Ex. C30, Ex. C32, Ex. C34; Ambulance Bills Ex. C14 and Ex. C27 and Transportation Bills Ex. C31 and Ex. C 33 amounting to Rs. 39249/- rounded off to Rs 40,000/- are entitled to be reimbursed to the claimant. Moreover, claimant is reportedly suffering from permanent disability to the tune of 85% as proved by CW8 Dr Harbans Singh and it is asserted that the claimant has suffered 100% functional disability owing to amputation of left thigh above the knee.

27. The learned counsel for the claimant has argued that the injured was earning an amount of 10,000/- per month while working from the diary profession and even he was a student of B.A. 1st year and had a very promising future ahead of him. The stated accident has reduced the life of the claimant to dungeon hell. All his attributes of leading happy life have been shattered due to the amputation of his left thigh above the knee. Now he is 85% permanent handicap and has to depend for support and assistance on others. He cannot now work as a normal person. His marital

prospects are also adversely affected. Even there is no chance of securing good job placement for him. The accident has shattered all hopes of the claimant to lead a happy and normal settled life. The accident has rendered the claimant as handicap for the entire rest of his life. 85% disability of the applicant has made him functionally disabled to the extent of 100% as he cannot now follow the regular pursuits of his life as he now cannot even walk properly or walk at pace with normal human beings without assistance. This accident has driven the life of the claimant to an unending sorrow and he is now out of the race of normal humans who would compete with their 100% efficiency in achieving their desired goal in life. Perhaps, owing to the accident, the claimant has not only suffered physically, but also has suffered acute mental agony, pain and suffering which will have an unending effect on him throughout his life. He is, thus, entitled to be compensated for his loss, pain and suffering, transportation, food, loss of income, loss of marriage prospects, future prospects, etc.

28. So far as the marital prospects of injured are concerned, accident undoubtedly has dented his marital prospects as he cannot lead a normal life now. A person is also required to be physically fit for solemnization of marriage, rearing and upbringing of children. The claimant thus is entitled to compensation on account of loss of income, pain and suffering in the hospitalization, special diet and care, supervision, loss of marriage prospects, loss of amenities in life,

conveyance charges, future medical prospects etcetera.

29. To ascertain the amount of compensation to which the injured is entitled to it is needfully required to first ascertain his notional income in the case. The claimant has pleaded that the injured was earning an amount of Rs. 10,000/- per month from the dairy business. The claimant has not produced any evidence nor examined any witness to prove any dairy business of the injured which contributed in his income. Thus the same cannot be considered for ascertaining his notional income to calculate loss of earning of injured on account of accident. It has been proved on record that the injured was studying in BA Ist Year in Degree College Roshanwala. He had multifarious opportunities in his life to join any field and excel in any career; he being having the basic educational qualification to sit in any exam. Perhaps his handicapness has now become the stone of his path and will shatter him through out his life to compete with the same endeavor and zealousness as he would have competed had he been 100% fit. 85% permanent handicapness has not only made him mentally weak but has also rendered him physically incompetent and unfit for a large number of avenues to compete with in his life.

30. So far as functional disability of the injured is concerned, merely because left thigh has been amputated above the knee will not render 100% functional disability to the injured. Though injured has been thrown out of the normal walk of life but he cannot be considered to be

disabled to the tune of 100 percent, as he has the educational qualification to set out and achieve his desired goals in life. Moreover having granted the disability certificate he will also be provided the benefit of reservation in public appointment as envisaged in the Indian Constitution. But still the amputation of his left thigh above the knee has rendered him sufficiently disabled to carry his daily pursuits himself for which he will definitely require assistance of some other individual unless he learns to cope up with the things himself or unless an artificial support limb is provided for his assistance. In this view of the matter keeping in view the schedule provided in the Employee Compensation Act certainly it can be concluded that the injury has affected atleast 60% of his functional capacity.

31. The respondent has miserably failed to rebut the educational competence of the injured. The arguments of the learned counsel for the respondents that in the absence of any positive evidence concerning the proof of income of the injured; claimant is at the most entitled to the compensation on account of disability of injured Lovepreet Singh treating him to be a skilled labour; is bereft of merits. Keeping in view the educational qualification of the claimant though he was not proved to be earning anything at this stage but certainly he would have earned a handsome earning in future. Thus in the light of his career possibilities and his educational qualification his notional income is to be ascertained by a guess work and this Tribunal is of the considered view that in any

possibility the claimant would have earned nothing less than Rs 15,000/- per month, which is ascertained as his notional income in the case.

32. The age of the injured is not in dispute and as per the record the injured is aged about 17 years at the time of his accident. Even the treatment bills are not in dispute and the claimant is entitled to the reimbursement of treatment bills in the case. In compliance with the findings of **Hon'ble Supreme Court in Raj Kumar vs. Ajay Kumar 2011(1) SCC 343 SC**, the claimant is entitled to compensation for pecuniary and non pecuniary damages like loss of earning, pain and suffering, special diet and care, loss of marriage prospects, conveyance charges and loss of amenities in life. Reliance is placed on the findings of **Hon'ble Supreme Court in Riyas vs. P. N. Shinosh, 2025 INSC 1303** wherein Hon'ble Supreme Court has while relying upon the findings in **Kajal vs. Jagdish Chand, (2020) 4 SCC 413 (Para 19 and 25); Sidram vs. Divisional Manager, United India Insurance Ltd., (2023) 3 SCC 439 (Para 89); and K.S. Muralidhar vs. R. Subbulakshmi & Anr., 2024 SCC Online SC 3385 (Para 13 and 14) has held that** under the head of loss of marriage prospects, Rs. 3 lakh deserves to be awarded; and an amount of Rs. 40,000/- towards special diet and transportation is awarded, and an amount of Rs. 3 lakhs is awarded towards pain and suffering. The quantum of compensation depends on the circumstances of each case and no two cases have the same set of circumstances. Applying the stated law point to the factual matrix of the case and keeping in view the

circumstances of this case the claimant is entitled to compensation which is calculated hereunder. The tabular representation of the calculation of compensation is as under:

SERIAL NUMBER	HEAD OF CLAIM	FINDINGS OF TRIBUNAL
1.	Notional monthly income	15000/-
2.	Income Tax	Nil
3.	Annual income	15000 x 12= 1,80,000/-
4.	Future prospects	40% of 1,80,000 = 72,000/-
5.	Annual income after addition of future prospects	2,52,000/-
6.	Multiplier	18 x 2,52,000= 45,36,000/-
7.	Functional Disability (60%)	60% of 45,36,000= 27,21,600/-
9.	Medical Expenses	27,500/-
10.	Pain and Suffering	1,00,000/-
11.	Special Diet and Care	40,000/-
12.	Loss of Marriage Prospects	1,00,000/-
13.	Conveyance charges	20,000/-
14.	Loss of amenities in life	50,000/-
	Total	30,59,100/-

Findings:

33. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments raised in the claim petition, perusal of the record, analysis on issues, coupled with the assistance rendered, the claimant has proved from sufficient medical and ocular evidence on record that he has suffered permanent disability to the tune of 85% in the case owing to the accident and functional disability on the basis of his stated bodily injury has been assessed at 60% by this Tribunal. Claimant is thus entitled to compensation amount of Rs. 30,59,100/- from the respondents with an interest at the rate of 8 percent from the date of filing the claim petition till realization of the compensation amount. All the respondents are severally and jointly liable to pay the same. Since Insurance company respondent number 3 has

(Upinder Singh Jandu)
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agreed to indemnify the owner, so it shall meet the liability by payment of the said amount. As Insurance Company has failed to reflect any fault in the driving license and registration certificate of the respondent number 1 and 2, they are not entitled to recover the amount of compensation to be paid by it on behalf of respondent number 1 and 2 which is covered by their contract of insurance as discussed supra in the light of authoritative findings of **Hon'ble Supreme Court in IFFCO Tokio General Insurance Co. Ltd. vs. Geeta Devi (SC) AIR 2023 SC 5545**. Counsel fee is assessed as Rs.1,000/-. The insurance company respondent number 3 is directed to disburse the amount with interest to the claimant within one month from the date of this Award failing which, it shall be liable to make the outstanding payment due on the date of Award at the interest of 9% after the expiry of period of one month. Regardless to say that the insurance company shall also be liable to make payment for any implants on the amputated left leg if advised by the doctors to the injured in future for his smooth functioning in life. Memo of costs be prepared and file be consigned to the record room after due compilation.

Pronounced in open Court.
Dated: 04.02.2026

(Upinder Singh Jandu)
Motor Accident Claims Tribunal,
Sangrur.
UID Number PB0842

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(Upinder Singh Jandu)
 Motor Accident Claims Tribunal,
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