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**119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-1676-2026 (O&M)

Date of Decision: 25.03.2026

THE NEW INDIA ASSURANCE COMPANY LTD.

....Appellant

Versus

MANDEEP RANI AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Abhimanyu Kalsy, Advocate
for the appellant-insurance company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellant-insurance company against award dated 28.11.2025 passed by learned Motor Accident Claims Tribunal, SAS, Nagar, Mohali (hereinafter referred to as '**Tribunal**') whereby, claim petition preferred by the wife, minor daughters and mother of deceased Overseas Khan had sought compensation on account of death of Overseas Khan due to the accident dated 22.10.2024 caused by rash and negligent driving of truck bearing No.NL-01-N-2813 whereby claimants were granted compensation of Rs.69,40,240/-.

2. Learned counsel for insurance company has argued that learned Tribunal has erred in deciding issue No.1 in favour of respondents-claimants. It is asserted that FIR was not proved by examining investigating officer and no challan has been filed in pursuance of lodging of FIR against respondent No.1 till date, even though, the accident had taken place on 22.10.2024.

3. On consideration and perusal of award, I find no merit in

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present appeal. The learned Tribunal has decided issue No.1 in favour of respondents-claimants after duly considering the evidence of eye-witness Jaswinder Singh who had appeared as PW-2. The findings of learned Tribunal is based upon appreciation of evidence of PW-2 and not merely on the basis of lodging of FIR against respondent No.1.

4. In a claim petition, lodging of FIR is not necessary and has only limited use to corroborate or contradict the witnesses examined by respondents-claimants. In present case, FIR was duly lodged by eye-witness Jaswinder Singh who had duly stated the manner of accident as was seen by him. In view of fact that author of FIR himself was examined, there was no need to examine investigating officer to prove FIR. Similarly, non-filing of challan despite passing of 1.5 years from accident cannot be taken as one of the reasons to non-suit claimants. The claim petition can succeed even in absence of FIR. Therefore, lodging of FIR or non-filing of challan by themselves would not be sufficient to dislodge otherwise consistent and trustworthy evidence of eye-witness.

5. In present case, findings recorded by learned Tribunal on issue No.1 are based upon appreciation of evidence before it which could not be shown to be perverse or erroneous. Even on issue No.2, I do not find that any interference is justified. The income of deceased was taken as per ITRs for the year 2022-2023, 2023-2024 and 2024-2025 which were duly placed on record as Ex.P12 to Ex.P14 wherein income of deceased was duly shown. Perusal of income tax return Ex.P12 to Ex.P14 goes to show that income of deceased was shown in a consistent manner and therefore, approach of learned Tribunal to take income of deceased on the basis of ITRs cannot be faulted with. Deceased was 38 years old and has 4 dependents. Therefore,

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quantification of compensation by learned Tribunal is as per law. Perusal of award shows that while deciding issue No.3, same was decided against insurance company and all the respondents were held liable to pay compensation jointly and severally.

6. Learned Court has rightly applied 40% towards future prospects made deduction of 1/4th towards personal expenses as the deceased was survived by four dependents. Since, deceased was aged 38 years multiplier of 15 is rightly applied by the learned Tribunal which is in accordance with law. Even amount under the head loss of estate, funeral expenses, loss of consortium has been awarded in accordance with directions of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680.

7. Undoubtedly, vehicle owned by respondent No.2 was duly registered with registration authority. Respondent No.1 was having driving licence which was valid on date of accident as it was issued on 15.06.2024 showing that respondent No.1 was authorized to drive offending truck trailer and it was duly insured with respondent No.3 in claim petition vide insurance policy Ex.R5. Therefore, the conclusion drawn by learned Tribunal that it is respondents who are liable to pay compensation jointly and severally is upheld and cannot be interfered accordingly.

8. Present appeal is accordingly dismissed.

9. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

25.03.2026
Ravinder

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No