

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

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**FAO-974-2010****Kulwant Singh (deceased) through his LRs**

. . . . Appellant

**Vs.****Amarjeet Singh and another**

. . . . Respondents

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**Reserved on: 03.07.2026****Pronounced on: 07.07.2026****Pronounced Fully/Operative Part: Fully**

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**CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA**

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Present: - Mr. Rajinder S. Rana, Advocate, for the appellant.

None for respondent No.1.

Mr. Assem Aggarwal, Advocate, for respondent No.2.

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**DEEPAK GUPTA, J.**

The present appeal has been preferred by the claimant (*now represented through his legal representatives*) assailing the award dated 12.06.2009 passed by the learned Motor Accident Claims Tribunal, Kurukshetra, whereby the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of injuries sustained in a motor vehicular accident was dismissed.

2. The case set up by the claimant before the Tribunal was that on 12.01.2008, he was returning to his native village Kalsa from Pehowa on his bicycle. It was pleaded that while he was riding his bicycle on the correct side of the road and had reached a little ahead of village Bodhni, motorcycle bearing registration No. HR-07-G-7833, driven by respondent No.1 in a rash and negligent manner at a high speed, came from the opposite direction and struck against his bicycle. As a result of the collision, the claimant fell on the road and sustained multiple injuries including fractures in his right leg.



3. According to the claimant, immediately after the accident, respondent No.1, along with one Phuman Singh, resident of village Kalsa, shifted him to Saraswati Mission Hospital, Pehowa for treatment. It was further pleaded that respondent No.1 paid a sum of ₹1,000/- towards immediate medical expenses and assured the claimant that he would bear the entire expenditure incurred on his treatment. Believing the said assurance, the claimant refrained from reporting the matter to the police. However, when respondent No.1 subsequently failed to honour his commitment and avoided payment of the treatment expenses, the claimant was compelled to institute the present claim petition.

4. Respondent No.1, who was the driver as well as owner of the offending motorcycle, filed a written statement denying the occurrence of the accident as alleged and prayed for dismissal of the claim petition.

5. Respondent No.2-Insurance Company also contested the petition by disputing the occurrence of the accident and alleging that the claim petition had been filed in collusion with respondent No.1 with a view to extract compensation from the insurer. It also raised the usual statutory defence regarding the validity of the driving licence of respondent No.1.

6. On the basis of the pleadings of the parties, the learned Tribunal framed the necessary issues and permitted the parties to adduce evidence in support of their respective stands.

7. Upon appreciation of the oral as well as documentary evidence, the learned Tribunal held that the claimant had failed to establish that he sustained injuries in the alleged motor vehicular accident or that motorcycle No. HR-07-G-7833 was involved therein. Consequently, Issue No.1 relating to rash and negligent driving was decided against the claimant. However, while deciding Issue No.2, the Tribunal assessed the compensation payable for the injuries suffered by the claimant at ₹75,000/-. It further recorded findings that respondent No.1 was holding a valid and



effective driving licence on the date of the accident and that the offending motorcycle was duly insured with respondent No.2.

8. Since the Tribunal answered the issue of negligence against the claimant, the findings regarding quantum of compensation and liability remained academic in nature. As a consequence, the claim petition came to be dismissed vide award dated 12.06.2009.

9. Assailing the aforesaid award, learned counsel appearing for the appellant contends that the Tribunal has misdirected itself in law as well as on facts while disbelieving the claimant's version regarding the occurrence of the accident. It is argued that the Tribunal adopted an unduly technical approach in appreciating the evidence and completely ignored the settled principles governing adjudication of claim petitions under the Motor Vehicles Act, where the standard of proof is one of preponderance of probabilities and not proof beyond reasonable doubt.

10. Learned counsel submits that the Tribunal gravely erred in ignoring the testimony of PW-1 Dr. V.K. Gupta, Casualty Medical Officer, Saraswati Mission Hospital, who categorically deposed that when the claimant was brought to the hospital immediately after the occurrence, it was disclosed that he had sustained injuries in a roadside accident. Merely because the said fact was inadvertently omitted from the medico-legal record, the Tribunal could not have discarded the otherwise reliable testimony of the doctor. Learned counsel further argues that the disability certificate issued by the competent Medical Board also records that the claimant had sustained injuries in a road vehicular accident on 12.01.2008, thereby lending corroboration to the claimant's version. It is, therefore, submitted that non-registration of an FIR or non-examination of Phuman Singh could not legally constitute sufficient grounds to reject the claim, particularly when respondent No.1, despite specifically denying the accident, chose not to enter the witness box to controvert the claimant's testimony.



11. *Per contra*, learned counsel appearing for the Insurance Company has supported the impugned award and submits that the learned Tribunal has correctly appreciated the evidence on record. According to him, the claimant failed to establish the involvement of the offending motorcycle and the findings recorded by the Tribunal do not warrant interference in the present appeal.

12. Having heard learned counsel for the parties and after carefully examining the record, this Court finds merit in the present appeal.

13. The learned Tribunal has dismissed the claim petition primarily on three grounds, namely: (i) the accident was not reported to the police; (ii) the medical record did not specifically record that the injuries were sustained in a road accident; and (iii) the claimant failed to examine Phuman Singh, who was alleged to be an eyewitness. In the considered opinion of this Court, none of these reasons are legally sufficient to discard an otherwise trustworthy claim.

14. It is by now well settled that proceedings under the Motor Vehicles Act are beneficial in nature. A Claims Tribunal is not expected to adopt the strict standards applicable to criminal trials. The claimant is only required to establish his case on the touchstone of preponderance of probabilities and not beyond reasonable doubt. Technical deficiencies or procedural omissions cannot be permitted to defeat a genuine claim when the evidence on record, read as a whole, inspires confidence.

15. Equally settled is the proposition that mere absence of an FIR or delay in reporting the matter to the police is not decisive of the issue regarding occurrence of the accident. Lodging of an FIR is primarily intended to set the criminal law in motion. Failure to invoke criminal machinery does not by itself negate the occurrence of an accident or disentitle a victim from claiming compensation under the Motor Vehicles Act. Every omission to lodge an FIR cannot automatically lead to an inference that the accident itself is fabricated.



16. In the present case, the claimant has furnished a plausible explanation for not reporting the matter to the police. According to him, immediately after the accident, respondent No.1 himself, along with Phuman Singh, shifted him to Saraswati Mission Hospital. Respondent No.1 paid him ₹1,000/- towards immediate expenses and assured him that all future treatment expenses would also be borne by him. Acting upon this assurance, the claimant refrained from initiating criminal proceedings. It was only after respondent No.1 failed to honour the said assurance that the claim petition came to be instituted. The explanation appears to be natural and consistent with ordinary human conduct. No material has been brought on record to demonstrate that the explanation is inherently improbable or false.

17. The testimony of the claimant (PW-2) regarding the manner of accident is categorical, consistent and remained substantially unshaken during cross-examination. He specifically deposed that while he was riding his bicycle on the correct side of the road, the offending motorcycle came from the opposite direction at a high speed and struck against him due to rash and negligent driving of respondent No.1. His version regarding the subsequent conduct of respondent No.1 in taking him to the hospital and assuring him of payment of treatment expenses also remained intact.

18. Significantly, during the cross-examination of the claimant, a suggestion was put that the accident had not occurred due to rash and negligent driving of respondent No.1. Such a suggestion itself necessarily proceeds on the premise that an accident had indeed occurred. The only dispute sought to be raised was with respect to negligence. Thus, even during cross-examination, the occurrence of the accident was not seriously demolished.

19. More importantly, respondent No.1, who was the driver-cum-owner of the offending motorcycle and the person best acquainted with the facts of the accident, chose not to enter the witness box. Despite having specifically denied the accident in the written statement, he abstained from



offering himself for cross-examination. When a party possessing special knowledge of the relevant facts deliberately withholds himself from the witness box, the Court is justified in drawing an adverse inference under Section 114 illustration (g) of the Indian Evidence Act that his testimony would not have supported the defence. Mere pleadings cannot substitute substantive evidence.

20. The medical evidence also substantially corroborates the claimant's version. PW-1 Dr. V.K. Gupta, Casualty Medical Officer of Saraswati Mission Hospital, categorically stated that when the claimant was brought to the hospital, it was disclosed that he had sustained injuries in a roadside accident. Merely because the doctor omitted to incorporate this fact in the medico-legal record cannot dilute the evidentiary value of his sworn testimony. During cross-examination, the doctor emphatically denied the suggestion that he had falsely introduced this fact at the instance of the claimant. Being an independent medical witness having no personal interest in the outcome of the litigation, there was no reason whatsoever for him to depose falsely.

21. Apart from the testimony of PW-1, Exhibit P-3, namely the disability certificate issued by the competent Medical Board of Civil Hospital, Kurukshetra, also records that the claimant had sustained fractures in both bones of the right leg in a road vehicular accident dated 12.01.2008, resulting in 6% permanent physical disability due to restriction of movement of the right ankle. Although the reference to the accident is based upon the medical history furnished at the time of examination, the document nevertheless lends corroborative assurance to the claimant's consistent version. There was no conceivable reason for the Medical Board to fabricate such recital.

22. The learned Tribunal attached undue importance to the non-examination of Phuman Singh. It is a settled principle that no particular number of witnesses is required to prove a fact. Quality of evidence always prevails over quantity. Once the testimony of the injured claimant is found



to be trustworthy and receives material corroboration from independent medical evidence, the claim cannot be rejected merely because another eyewitness has not been produced. An injured witness ordinarily occupies a special evidentiary status, for he is himself the victim of the occurrence and ordinarily would not falsely implicate another by shielding the real wrongdoer.

23. The cumulative effect of the claimant's consistent testimony, the corroborative evidence of PW-1, the disability certificate, the failure of respondent No.1 to step into the witness box, and the absence of any convincing evidence rebutting the claimant's version unmistakably establishes, on the standard of preponderance of probabilities, that the accident occurred on account of rash and negligent driving of motorcycle No. HR-07-G-7833 by respondent No.1. The contrary finding recorded by the Tribunal is based upon an erroneous appreciation of evidence and an application of an unduly strict standard of proof, which is impermissible in proceedings under the Motor Vehicles Act.

24. Consequently, the finding recorded by the Tribunal on Issue No.1 cannot be sustained and is hereby set aside. It is held that the claimant successfully proved that he sustained injuries in the accident caused due to rash and negligent driving of respondent No.1 while driving the offending motorcycle.

25. Learned counsel for the appellant has not challenged the quantum of compensation assessed by the Tribunal. The Tribunal has already determined compensation at ₹75,000/-, and no material has been placed before this Court warranting enhancement or reduction thereof. Likewise, the findings recorded by the Tribunal regarding the validity of the driving licence of respondent No.1 and the insurance coverage of the offending vehicle have attained finality, as they have not been assailed by either side.



26. Consequently, the appeal deserves to succeed and so, allowed. The impugned award dated 12.06.2009 is set aside. The appellant-claimant (*now represented through his legal representatives*) shall be entitled to compensation of ₹75,000/- together with interest at the rate of 7.5% per annum from the date of filing of the claim petition till realization. The respondents shall remain jointly and severally liable to satisfy the award.

(DEEPAK GUPTA)  
JUDGE

07.07.2026

*Vivek*

*Whether Speaking/reasoned*  
*Whether reportable*

*Yes*  
*No*

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