



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) FAO-2590-2003

RAJNI DEVI AND ANR.

....APPELLANTS

VERSUS

KULBIR SINGH AND ORS.

...RESPONDENTS

(2) FAO-2591-2003

RAJO DEVI AND ANR.

....APPELLANTS

VERSUS

KULBIR SINGH AND ORS.

...RESPONDENTS

1.	Judgment reserved on	08.05.2026
2.	Judgment pronounced on	04.08.2026
3.	Judgment uploaded on	05.08.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued By: Mr. Paramveer Singh, Advocate
for the appellant(s).

Mr. H.S. Dhillon, Advocate
for respondent No.1.

Mr. Vinod Gupta, Advocate
for respondent No.3-Insurance Company.

YASHVIR SINGH RATHOR, J. (ORAL)

1. This judgment shall dispose of aforesaid two appeals which have arisen out of the same Award.



2. These appeals have been instituted by the claimants against the Award dated 12.03.2003 in MACT Cases No.128 and 130 of 2000 decided by the Motor Accident Claims Tribunal, Ambala (**for short “Tribunal”**) vide which the claim petitions filed by them under Section 166 of Motor Vehicles Act, 1988 (**hereinafter referred to as ‘Act’**) for compensation on account of death of their sons Raghbir Singh and Randhir Singh, in a motor vehicular accident, have been dismissed.

3. Case of the claimants is that on 13.12.1999, Raghbir Singh was going from Pundri to Narad on motorcycle bearing No.HR-08-B-0437 being driven by him on his due left side of the road at a moderate speed. Randhir Singh (since deceased) was the pillion rider on the abovesaid motorcycle. At about 10:30 P.M., when they reached near Rice Mill in the area of Pundri, near culvert on Pundri-Kaithal road, Fiat Car bearing registration No.HNA-4744 (**for short ‘offending vehicle’**) came from the opposite side being driven in a rash and negligent manner by respondent No.1. The said car hit the motorcycle after going towards the wrong side of the road as a result of which Raghbir Singh and Randhir Singh died on the spot. It is submitted that the accident took place due to rash and negligent driving of Fiat Car No.HNA-4744 by respondent No.1.

4. Respondents No.1 to 3 in their identical written statements submitted that the accident had taken place solely due to rash and negligent driving of motorcycle No.HR-08-B-0437 by its driver. It has been denied that the accident was caused by respondent No.1 due to his rash and negligent driving while driving Fiat Car No.HNA-4744. It was pleaded by respondent No.3 that Fiat Car bearing No.HNA-4744 was not involved in the accident



and same has been falsely involved and that respondent No.1 was not holding a driving licence at the time of the accident. Dismissal of the claim petitions was prayed for.

5. From the pleadings of parties, following issues were framed by the learned Tribunal in both the claim petitions:-

- “1. Whether Raghbir Singh and Randhir Singh died in a motor vehicular accident, held on 13.12.99, due to the rash and negligent driving of Car bearing registration number HNA-4744 by Kulbir Singh-respondent no.1, which was owned by Raj Kumar-respondent no.2 and insured by the New India Assurance-Company Ltd. respondent no.3?OPP*
- 2. If issue no.1 is proved, whether the claimants in MACT case no.128 of 6.4.2000, titled Smt. Rajni Devi vs. Kulbir Singh are entitled to a compensation of Rs. Ten lacs or to any other amount on account of death of Raghbir Singh, if so, how much?OPP*
- 3. If issue no.1 is proved, whether the claimants in MACT case no.130 of 7.4.2000, titled Rajo Devi Vs Kulbir Singh, are entitled to compensation of Rs.Ten Lacs or to any other amount, on account of the death of Randhir Singh, if so, how much?OPP*
- 4. Whether the car in question was being driven by a person, who was not holding a valid and effective driving licence at the time of alleged accident?OPR*
- 5. Whether the accident had taken place due to the rash and negligent driving of motor cycle bearing registration number HR-08-B-0437 being driven by Randhir Singh deceased?OPR*



6. *Whether the car in question was being driven in violation of the terms and conditions of the insurance policy, if so. to what effect? OPR*
7. *Whether the petition has been filed in collusion with respondents no.1 and 2? OPR*
8. *Relief.”*

6. Thereafter, the parties led evidence in support of their cases.

7. After hearing the parties and on going through the material on file, learned Tribunal held under issue No.1 that the accident in question was not caused by respondent No.1 while driving the car bearing No.HNA-4744 and false vehicle had been introduced to claim compensation. The evidence led by the claimants was discarded and issue No.1 was decided against the claimants and consequently, the claim petitions were dismissed.

8. Feeling aggrieved, appeals in hand have been preferred. I have heard learned counsel for the appellants as well as respondents and have gone through the material on the file.

9. Learned counsel for the appellants argued that the impugned Award vide which the claim petitions have been dismissed is based on conjectures and surmises. The pleadings of parties and evidence on file have not been appreciated in the correct perspective while coming to the conclusion that vehicle has been falsely implicated. Learned counsel next contended that claimants have examined the eyewitness of the incident, namely, PW5 Sangram Singh who has stated that the material facts of the claimants' case on oath and has specifically deposed that he had witnessed the accident. Besides this, respondents have examined RW3 SI Dayal Singh



who was the Investigating Officer and he has also categorically deposed that he came to know from one Balwan Singh that accident had been witnessed by two persons, namely, Sangram Singh (PW5) and Avtar Singh and this fact was recorded by him in the case diary on 16.12.1999 and thereafter, he had joined said Sangram Singh in the investigation who had disclosed the registration number of the offending vehicle. Thereafter, Kulbir Singh (respondent No.1) was arrested and challaned for the offences under Sections 279 and 304-A of IPC. Learned counsel further contended that there was no reason to disbelieve the testimony of PW5 and RW3 Investigating Officer and since driver had been challaned, it is safe to presume that the accident in question had taken place due to rash and negligent driving on his part. Learned counsel next contended that in order to succeed in a petition under Section 166 of the Act, rash and negligent driving on the part of driver of the offending vehicle has to be established but in motor accident claim cases, standard of proof is not as strict as is required in a criminal trial. In criminal trials, the case has to be proved beyond reasonable doubt but in motor accident claim cases, standard of proof is based on preponderance of probabilities and in the present case, the evidence on file proves the involvement of offending vehicle and rash and negligent driving on the part of respondent No.1 resulting in the accident and he prayed that the finding of the learned tribunal on issue No.1 be reversed. In support of his contentions, learned counsel has cited 2025 LiveLaw (SC) 9 **ICICI Lombard General Insurance Co. Ltd. v. Rajani Sahoo & Ors.**, 1993(2) PLR 109 – **Girdhari Lal Vs. Radhe Shyam and others**, 2018 ACJ 1300, **Mangla Ram Vs. Oriental Insurance Company Limited** and judgment dated 22.01.2018



passed by a Co-ordinate Bench of this Court in FAO-8487-2017 titled **United India Insurance Company Limited Vs. Fakir Chand.**

10. On the other hand, learned counsel for respondent No.3 has argued that the offending vehicle has been falsely implicated in collusion with the police and the owner of the said vehicle. Infact, no accident had been caused by respondent No.1 Kulbir Singh while driving the offending vehicle. Learned counsel contended that accident in question was caused by some unknown vehicle and police on receiving the information reached at the spot and shifted the dead bodies to the hospital and on the statement of RW2 UGC Gulab Singh, FIR was registered against the unknown vehicle and unknown driver. Learned counsel next contended that PW5 was introduced later on who claimed to have witnessed the accident and having chased the offending vehicle for some distance but thereafter, he proceeded to Karnal instead of reporting the matter to the police. However, he returned after 2-3 days and allegedly informed the family members that he had witnessed the accident but matter was still not reported to the police and he was called by the Investigating Officer who had been informed by one Balwan Singh that PW5 had witnessed the accident. Even said Balwan Singh was not examined to establish that he had told the Investigating Officer that accident had been witnessed by PW5. Learned counsel next contended that had PW5 chased the offending vehicle or witnessed the accident, he would have either taken the injured to the hospital or would have reported the incident to the police on the same day but he remained silent and such a conduct cannot be expected from a normal prudent man. Learned counsel contended that the testimony of PW5 and the Investigating Officer is not reliable. No cogent and convincing



evidence has been led on the file to establish that offending vehicle was involved in the accident. Learned counsel for respondent No.3 further contended that in a petition under Section 166 of the Act, it is incumbent upon the claimants to bring direct and positive evidence to prove involvement of the offending vehicle and rash and negligent driving on the part of its driver which is missing in the present case and it is thus not established that accident in question had taken place due to rash and negligent driving on the part of respondent No.1. Learned counsel next contended the fact that driver/respondent No.1 is facing the trial as an accused in the criminal case in relation to the accident in question will not *ipso facto* give rise to the inference regarding involvement of the offending vehicle and rash and negligent driving on the part of its driver. Learned counsel further argued that the findings arrived at by learned Tribunal on issue No.1 are perfectly legal and valid and based on evidence which do not require any interference and he contended that appeals in hand be dismissed. In support of his contentions, learned counsel has cited 2001(3) RCR(Civil) 582 **Ram Karan Vs. Zile Singh**, 2018 (1) PLR 720 **Magma HDI General Insurance Company Limited Versus Mukesh Devi and others**, 2013 (4) PLR 47 (P&H) **Anita and others Versus Narender Singh and others** and 2010(4) PLR 797 **National Insurance Company Limited Versus Satwinder Kaur and others**.

11. After hearing learned counsel for the parties and on going through the evidence on file, I am of the considered opinion that the case laws cited by the learned counsel for the claimants are not at all applicable in the present case and the judgment passed by the Tribunal is well reasoned and



justified and the appeals in hand are liable to be dismissed for the reasons discussed hereinafter.

12. At the very outset, it is pertinent to mention that the FIR in the present case was registered on the basis of statement given to the police by RW2 UGC Gulab Singh who deposed that on 13.12.1999, he along with another police official was present on patrolling duty at Faral Chowk when he came to know at about 11:00 P.M. that an accident has taken place near Ganesh Rice Mill. He informed SHO P.S. Pundri in this regard and on his statement, formal FIR Ex.R3 was registered. As such, the FIR was registered against an unknown vehicle.

13. PW5 Sangram Singh has been examined by the claimants who had allegedly witnessed the accident. He deposed that on 13.12.1999, he was going from Kaithal to Karnal in car bearing No.HR-07A-4280. At about 10:00 P.M., he reached in the area of village Pundri and one Fiat car bearing No.HNA-4744 overtook his car which was being driven by respondent No.1 rashly and negligently and in a zig-zag manner and it hit a motorcycle on which two persons were travelling. The motorcycle was being driven on its due left side at a moderate speed and the offending vehicle hit the motorcycle after going towards the extreme wrong side and both persons riding on the motorcycle fell on the road and the driver of the offending car ran away. He chased that car upto Pundri Chowk but could not apprehend it. Thereafter, they went to Karnal. On the next day, they came to know that both the persons were residents of village Narad and he informed the registration of the offending car to the family members of the deceased persons. He further stated that police called him at Police Station, Pundri on 16.12.1999 and



recorded his statement Ex.P1 under Section 161 Cr.P.C. During cross-examination, he deposed that he does not know the families of deceased persons but admitted that respondent No.1/driver is a resident of his village and was known to him. He stated that the car which was being driven by him was owned by his maternal uncle who resides in District Ambala. He further stated that one Avtar Singh was accompanying him and they were going to Karnal to see maternal uncle of Avtar Singh and when he was further cross-examined, he failed to tell even the name of maternal uncle of said Avtar Singh. He admitted that he did not accompany the deceased persons to the hospital. He further stated that after making inquiries from various persons, he came to know about the houses of deceased persons and reached there and informed the registration number of the offending vehicle to the family members.

14. RW3 SI Dayal Singh is the Investigating Officer and he deposed that investigation of the present case bearing FIR No.181 of 1999, P.S. Pundri was done by him and after recording the statement of RW2 UGC Gulab Singh Ex.R2, he had registered formal FIR Ex.R3 against an unknown vehicle. Thereafter, he came to know from one Balwan Singh that accident had been witnessed by two persons, namely, Sangram Singh (PW5) and one Avtar Singh and he recorded this fact in the case diary on 16.12.1999. Thereafter, he called Sangram Singh and Avtar Singh and recorded their statements and on the basis of their statements, accused Kulbir Singh (respondent No.1) was arrested on 28.01.2000. He also stated that statements of Sangram Singh and Avtar Singh were recorded on 20.12.1999 and offending vehicle was taken into possession on 28.01.2000. He further stated



that he was told by Raj Kumar owner of the car that on 13.12.1999, his car had been taken by Kulbir Singh (respondent No.1) on friendly basis.

15. In this manner, the accident in question had taken place on 13.12.1999 at about 10:00 P.M. and RW2 UGC Gulab Singh came to know about the accident at about 11:00 P.M. when he was present at Faral Chowk and thereafter, he informed the SHO and the formal FIR was registered on his statement. Both the dead bodies along with motorcycle and one gunny bag containing liquor bottles were taken into possession from the spot. As per testimony of RW2, the FIR was registered against unknown vehicle. RW3 SI Dayal Singh stated that he came to know from Balwan Singh that accident had been witnessed by Sangram Singh and Avtar Singh and he recorded this fact in the case diary on 16.12.1999. However, no statement of said Balwan Singh was recorded by the Investigating Officer and he has also not been examined in the Court. Only Sangram Singh has been examined as PW5 and during his examination, PW5 has nowhere stated that he had told Balwan Singh that he had witnessed the accident. As such, there is no connecting evidence to establish as to how RW3 SI Dayal Singh came to know that PW5 Sangram Singh and Avtar Singh had witnessed the accident. Both respondent No.1 as well as PW5 belong to the same village and PW5 has admitted that respondent No.1 was known to him prior to the accident. PW5 even did not own the car in which he himself was travelling and as stated by him, the car was owned by his maternal uncle. As per his version, he had chased the offending vehicle upto Pundri to apprehend the driver as well as the offending car but he could not apprehend it. If this part of testimony of PW5 Sangram Singh is believed, it shows that he was anxious to apprehend the



driver of the offending car but once he failed in apprehending, he proceeded to Karnal along with his friend Avtar Singh to the house of maternal uncle of said Avtar Singh. However, had PW5 been present at the spot, he would have either taken the injured to the hospital or would have informed the police particularly because he had allegedly chased the car upto Pundri Chowk but he opted to remain silent and proceeded to Karnal but such a conduct cannot be expected from a normal prudent man. In addition to this, he has even failed to tell the name of the maternal uncle of Avtar Singh in whose house they had stayed during the night which too is a suspicious circumstance and had he gone to Karnal and stayed at the house of maternal uncle of his friend Avtar Singh, he would have certainly disclosed the name of his maternal uncle. PW5 further stated that on the next day of the accident, they went to the houses of deceased and informed their families about registration number of offending vehicle but instead of reporting the incident to the family members, they should have gone to the police station and disclosed the registration number of the offending vehicle. All these facts if taken cumulatively give rise to only inference that PW5 had not witnessed the accident and he has been subsequently introduced in collusion with the owner of the offending vehicle and the police in order to help the claimants in getting compensation. It is a matter of common knowledge that in hit and run cases, false insured vehicles are arranged and introduced after due deliberations and consultations, just to claim compensation. In **National Insurance Company Limited Versus Satwinder Kaur's case (supra)**, it has been held that the difficulty of securing award in a hit and run cases pushes the parties to the edge. The most immediate temptation is to make



some story and obtain a willing party to make a confession of involvement. Undoubtedly, the Motor Vehicles Act is a beneficial legislation, but at the same time, it is also to be kept in mind that public money is not to be paid for false petitions. Moreover, merely because respondent No.1 has been challaned by the police is not sufficient to hold that accident had taken place due to rash and negligent driving on his part. Rather, this fact has to be established by petitioners by leading cogent and convincing evidence. In **Magma HDI General Insurance Company Limited Versus Mukesh Devi's case (supra)**, it has been held that mere fact that challan has been filed or charge has been framed is not enough to award compensation, where a vehicle has been introduced subsequently. In **Anita's case (supra)**, it has been held that where FIR is silent about the number and name of driver of offending vehicle and for several days, number of offending vehicle does not come before the police, it is clear that the witness was also not knowing the registration number of the vehicle and Court observed that the car in question was falsely roped in, just to claim compensation. If the facts and circumstances discussed above are summarized, it transpires that PW5 had not witnessed the accident and infact it was a hit and run case and the accident had been caused by some unknown vehicle. Even if, the most liberal approach, by applying the rule of preponderance of probabilities is adopted, the only inference that can be drawn is that the claimants have failed to prove that the accident in question was caused by respondent No.1 while driving the offending vehicle in a rash and negligent manner. Accordingly, I concur with the finding of learned Tribunal on issue No.1 which is well reasoned and justified and same does not call for any interference and is affirmed.



16. In view of the aforesaid discussion, there is no merit in the appeals and the same are ordered to be dismissed.

17. Pending misc. application(s), if any, shall also stand disposed of.

18. Photocopy of this order be placed on the file(s) of connected case(s).

(YASHVIR SINGH RATHOR)
JUDGE

04.08.2026
Vishal Vardhan

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No