

FAO-3679-2018 (O&M)

2025:PHHC:120524



FAO-3680-2018 (O&M)

FAO-3697-2018 (O&M)

FAO-3701-2018 (O&M)

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

Date of decision : 04.09.2025

1

FAO-3679-2018 (O&M)

United India Insurance Co. Ltd.,

..... Appellant

Versus

Karandeep Singh & ors.

.... Respondents

2

FAO-3680-2018 (O&M)

United India Insurance Co. Ltd.,

..... Appellant

Versus

Gurjit Kaur & ors.

.... Respondents

3

FAO-3697-2018 (O&M)

United India Insurance Co. Ltd.,

..... Appellant

Versus

Jugraj Singh @ Arshdeep Singh & ors.

.... Respondents

4

FAO-3701-2018 (O&M)

United India Insurance Co. Ltd.,

..... Appellant

Versus

Baldev Singh & ors.

.... Respondents

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CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Gopal Mittal, Advocate
for the appellant.

Mr. Jagjit Singh Gill, Advocate
for respondent No.1-in all cases.

Mr. Tarun Singla, Advocate
for respondents No.2 & 3-in all cases.

PANKAJ JAIN, J. (ORAL)

1 This order shall dispose off above mentioned four appeals.

2 These four appeals at the behest of the insurance company, are directed against the same award whereby four claim petitions filed by the claimants seeking compensation on account of injuries suffered by them in a motor vehicular accident dated 01.11.2012 were allowed. Since all four appeals arise from the same award and accident and involve the same questions of fact and law, they are being decided together.

3 The claim petitions were allowed by the Tribunal awarding following compensations :-

<i>MACT Case No.</i>	<i>Name of the injured-claimant</i>	<i>Nature of injury</i>	<i>Compensation awarded</i>
53/14.10.2015	Karandeep Singh	Head Injury	Rs.33,400/-
55/14.10.2015	Gurjit Kaur	Head Injury	Rs.31,400/-
56/14.10.2015	Jugraj Singh @ Arshdeep Singh	Head Injury	Rs.31,100/-
54/14.10.2015	Baldev Singh	In coma due to head injury	Rs.4,39,210/-

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4 Learned counsel for the appellant-insurance company has assailed findings recorded by the Tribunal claiming that the Tribunal erred in ignoring the fact that four persons were riding the motorcycle when the same when the same met with an accident with the insured vehicle. It has been contended that since the claimants themselves were riding motorcycle in violation of the provisions of the Motor Vehicles Act, 1988, they cannot be fully absolved of their negligence as held by the Tribunal. Mr. Gopal Mittal, Advocate, submits that they have equally contributed to the accident and thus finding on issue No.1 needs to be modified. In order to hammer forth his contention, he relied upon *Angrejo Devi & ors. Vs. Jai Parkash & ors., passed in FAO No.6550 of 2010 dated 23.05.2012.*

5 He further argues that it is a case of collusion between the claimants, as well as the owner of the offending vehicle. FIR was registered after two days of the occurrence on the statement made by one of the claimants, namely Gurjit Kaur. As per her statement, it was a lady who was driving the offending vehicle. However, in report filed under section 173 Cr.P.C., Balour Singh was shown to be driver of the offending vehicle in the criminal trial on the strength of statements of two different persons recorded by the police during course of investigation. None of them appeared before the trial. He thus submits that it is a case wherein, even though it is the lady who was driving the vehicle, but Balour Singh was later on introduced as

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most probably the lady who was driving the car was not in possession of a valid driving licence. He thus submits that the insurance company needs to be absolved of its liability.

6 *Per contra*, learned counsel for the respondents submit that the plea with respect to four persons riding motorcycle is against the record. Out of the four persons alleged to be riding the motorcycle, two are minors—one aged 11 and the other aged 9. Apart from that, there is no evidence that the motorcycle contributed to the accident in any manner as it is nobody's case that the motorcycle lost its balance at any point of time.

7 It has been further contended that there is no evidence of collusion between the claimants and the driver/owner of the offending vehicle. FIR was registered on the statement made by one of the victims. Later on, during the course of investigation, police found that it is Balour Singh who was driving the car. Had it been a case of any collusion, there was no reason for one of the victims to make a statement at the first instance regarding lady being driver of the vehicle in question.

8 I have heard learned counsel for the parties and have carefully gone through records of the case.

9 In the considered opinion of this court, even though riding of four persons on a motorcycle meant for two can be regarded as violation of the driving rules, but the same cannot be held to be a contributor to the accident itself in the absence of any evidence to suggest that riding of more

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than two persons was a reason of the accident. The insurance company was required to adduce evidence to link the riding by four persons with the cause of accident.

10 Since there is no evidence to suggest a causal relationship between the presence of the four persons and the accident, no fault can be found with the findings recorded by the Tribunal on issue No. 1. More so, when admittedly two of the persons riding motorcycle were minor children, aged 11 and 9.

11 *Qua* the second plea raised by Mr. Gopal Mittal, Advocate, he fairly admits that neither the driver nor the owner of the offending vehicle stepped into witness box. No effort was made by the insurance company to examine the owner to claim violation of the contract of insurance. The plea with respect to collusion between claimant as well as the owner of the offending vehicle is also without any basis.

12 Counsel for the claimants is right in contending that had it been a case of collusion, the claimant-Gurjit Kaur at the first instance would have named Balour Singh and not the lady as a driver of the vehicle.

13 Pure finding of facts have been recorded by the Courts below. There is no evidence to suggest any perversity. Finding no merits in the present appeals, the same are ordered to be dismissed.

14 Pending miscellaneous applications, if any, also stand disposed off.

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15 Photocopy of this order be placed on the files of other connected cases.

04.09.2025

Pooja Sharma-I

**(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No