



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

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FAO-4486-2025 (O&M)  
Date of decision: 23.07.2025

General Manager, B/B, Rajasthan State Road Transport Corporation

...Appellant

Versus

Sudhir Kumar Rai and others

...Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Amit Kaith, Advocate for the appellant.

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**SUDEEPTI SHARMA, J. (ORAL)**

**CM-14083-CII-2025**

1. This is an application under Section 5 of the Limitation Act for condonation of delay of 84 days in re-filing the appeal.
2. For the reasons as mentioned in the application, the same is allowed and delay of 84 days in re-filing the appeal is condoned.

**FAO-4486-2025**

1. The present appeal has been filed by the appellant-General Manager, B/B, Rajasthan State Road Transport Corporation, owner of the offending vehicle against the award dated 30.11.2024 passed in the claim petition under Section 166 of the Motor Accident Claims Tribunal, Gurugram (for short, 'the Tribunal'), wherein, the Ld. Tribunal allowed the claim petition filed by the claimants and held the appellant liable to pay the compensation.



### **BRIEF FACTS OF THE CASE**

2. The case of claimants in brevity for disposal of present claim petition, is that on the ill-fated day i.e. on 16.09.2023, Smt. Geeta Rani, hereinafter being referred to as deceased, was waiting for some conveyance at Bus Stand near Binola Flyover Bilaspur District Gurugram (Haryana) and at about 4.00 PM., a bus bearing registration No. RJ-14PD-7286 (for short offending vehicle) being driven at a fast speed in a rash and negligent manner came and hit Geeta Rani. Due to above mentioned collision the deceased suffered multiple grievous injuries. She was taken to Gangaram Hospital Bilaspur District Gurugram. Later on she was admitted in Civil Hospital Sector-10 Gurugram. Subsequently, she was referred to Safdarjung Hospital New Delhi, where during treatment she succumbed to the injuries suffered by her in the above mentioned accident. The driver of offending vehicle abandoned his vehicle on the spot and fled away. Regarding the accident in question, a criminal case bearing FIR No.346 dated 17.09.2023, under Sections 279, 304-A IPC was registered at Police Station Bilaspur District Gurugram, against the driver of offending vehicle bearing registration No. RJ-14PD-7286.

3. Upon notice of the claim petition, appellant appeared and contested the claim petition by filing written reply denying the factum of compensation/accident.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

*1. Whether on 16.09.2023 at about 04:00 P.M. near 'Binola Flyover, Bus Stand, Bilaspur, District Gurugram an accident had taken place, and the above mentioned accident was an*



*outcome of rash and negligent driving of the vehicle bearing registration No.RJ-14PD-7286, by the respondent No.1? OPP*

*2. Whether in the above mentioned accident injuries were suffered by Smt. Geeta Rani resulting into her death and therefore, the petitioners are entitled to compensation. If yes, the quantum thereof? OPP*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants, while holding the appellant liable to pay the compensation. Hence, the present appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANT**

6. Learned counsel for the appellant/General Manager, B/B, Rajasthan State Road Transport Corporation contends that the learned Tribunal has wrongly held that the accident in question took place due to rash and negligent driving of driver Mahendra Singh (respondent No.5), Therefore, he prays that the present appeal be allowed and award dated 30.11.2024 be set aside.

7. I have heard learned counsel for the appellant and perused the whole record of the case.

8. The relevant portion of the award is reproduced as under:-

*“13. Onus to prove this issue is on the claimants. In support of their claim, the claimant No.1 Sudhir Kumar Rai himself appeared as his own witness as PW-1. The PW-1 tendered in his evidence duly sworn affidavit Ex.PW-1/A, wherein he deposed about the manner of accident. The PW-1 deposed that the reason behind the accident in question was the rash & negligent driving of the offending vehicle by the respondent*



*No.1. However during the course of his cross-examination the PW-1 admitted that he had not witnessed the accident in question and the registration number of offending vehicle was told to him by the police.*

*14. The copy of report under section-173(2) Cr.P.C. shows that the FIR pertaining to the accident in question was registered on next day of the accident on the complaint of Alok Kumar, brother-in-law of the deceased, in which registration number of offending vehicle was recorded. The offending vehicle was recovered by the police from the place of accident itself. During investigation, respondent No.1 Mahendra Singh was arrested and offending bus was also taken into possession by police from the place of accident itself. After completion of necessary steps of investigation, final report under Section 173(2) Cr.P.C., Ex.R-2, was submitted before learned Area Magistrate for trial of respondent No.1 Mahender.*

*15. The claimants have also tendered documents as detailed above in para No.8 of Award. A perusal of copy of final report under Section 173(2) Cr.P.C., Ex.R-2, placed on record by the respondents themselves, shows that FIR No.346 dated 17.09.2023, under Sections 279/304-A IPC was registered against driver of offending vehicle bearing registration No. RJ-14PD-7286 for causing the accident in question in which Smt. Geeta Rani suffered injuries and succumbed to those injuries and after thorough investigation, respondent No.1 was sent to*



*face trial before competent court.*

*16. To rebut the evidence adduced by the claimants the respondent No.1 Mahendra Singh himself has appeared in the witness-box as RW-1 and tendered in evidence his duly sworn affidavit Ex.RW-1/A, wherein he deposed that no accident was caused by him while plying bus No. RJ-14PD-7286 on 16.09.2023. He further deposed that police has planted the bus of RSRTC illegally and unlawfully and the accident in question was caused by some other vehicle. However during the course of his cross-examination the RW-1 testified that he had not moved any application before higher police (police) authorities regarding false plantation of his vehicle. The RW-1 admitted that the criminal case is pending against him.*

*17. With regard to above testimony of respondents' witness it is pertinent to note that except bare denial of the claim of claimants, the respondents have not produced any independent cogent and convincing evidence to prove that the stand of the claimants with regard to accident in question is false and the accident in question was not caused by the respondent No.1 while driving the offending vehicle in a rash & negligent manner. The plea taken by respondents that respondent No.] has been falsely implicated in this case and the accident in question did not take place due to his rash and negligent driving is not tenable, because as per record the registration of offending vehicle had been mentioned in the FIR itself, which*



*was recorded on the next day of accident and the offending vehicle was seized by the police from the place of accident itself. Thereafter a notice under section 133 of Motor Vehicles Act was served upon the respondent No.2 who had disclosed that on the date of accident the respondent No.1 was driving the offending vehicle. Investigating agency after thorough investigation arrested respondent No.1 Mahender being driver of offending vehicle and found him rash and negligent in driving the offending vehicle and submitted final report under section 173(2) Cr.P.C. i.e. Ex.R-2 before the learned Area Magistrate.*

*18. There is also no evidence on the file that respondent No.1 ever, filed any representation before higher authorities against alleged false implication of respondent No.1 and offending vehicle in the instant case and this silence for such a long period also goes against him. Admittedly, no such complaint has ever been filed. The above said silence on the part of respondent No.1 speaks in volumes about the lack of credibility of his plea, with regard to denial of his involvement in the accident in question. As investigating officer who in discharge of his official duty filed report under section 173(2) Cr.P.C. regarding culpability of respondent No.1 in this accident had proved on file that accident in question occurred due to his rash & negligence. So, for the purpose of this enquiry regarding deciding claim of compensation, in view of the*



*provisions of section-114 of the Indian Evidence Act 1872 a presumption is raised that the accident in question had taken place due to rash & negligent driving of the offending vehicle by the respondent No.1.*

*19. In this regard in Girdhari Lal Vs. Radhey Shyam and others, 1993(2) PLR 109, the Hon'ble Punjab and Haryana High Court has observed that if the FIR is registered against the driver, it is prima facie safe to conclude that the accident had taken place due to rash and negligent driving of the vehicle by its driver. 20. In the case titled as Bimla Devi & others Vs. Himachal Road Transport Corporation & others, (2009) 13 SC 530, the Hon'ble Supreme Court of India has held that the issue of negligence has to be decided on the touchstone of preponderance of probabilities, and that a holistic view is to be taken. The proceedings under the Motor Vehicles Act are not akin to the proceedings in a Civil Suit and therefore, strict rules of evidence should not be applicable.*

*21. In the case titled as Kusum Lata and others Vs. Parkash and others, 2011(2) RCR 379, it has been held by Hon'ble High Court of Punjab & Haryana that in a case under motor accident claims, the claimants are not required to prove the case as it is required to be done in a criminal trial. The court must keep the distinction in mind. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt*



*could not have been applied.*

*22. The aforesaid oral as well as documentary evidence adduced on behalf of the claimants is thoroughly consistent and to impeach the credibility of above mentioned evidence no cogent & convincing evidence, qua this issue, has been adduced by the respondents in rebuttal there is no reason to disbelieve the version put forward by the claimants on this aspect. So, it is established on record that respondent No.1 was rash and negligent in driving the offending vehicle i.e. bus bearing registration No. RJ-14PD-7286, which caused the accident in question.*

*23. Thus, in view of above discussion, it is established on file that respondent No.1 was rash and negligent while driving the offending vehicle and caused the accident in question. Accordingly, issue No.1 is decided in favour of the claimants.”*

9. A perusal of the impugned award reveals that the learned Tribunal has rightly appreciated the evidence on record, both oral and documentary, and arrived at a just and legally sound conclusion that the accident in question occurred due to rash and negligent driving of the offending vehicle by respondent No.5, the driver-Mahendra Singh.

10. The FIR (Ex. P-5), which was lodged promptly on the very next day of the accident, specifically mentions the registration number of the offending bus. The filing of the FIR enhances its credibility and reflects the spontaneity and veracity of the incident reported to the police. The fact that the offending vehicle was seized by the police from the spot of occurrence



further corroborates the sequence of events narrated by the claimants.

11. Furthermore, the final police report under Section 173(2) Cr.P.C. (Ex. R-2), filed after a thorough investigation, squarely attributes rash and negligent driving to respondent No.5-Driver Mahendra Singh, which led to respondent No.5 being charge sheeted and sent to face trial, further reinforcing the conclusion of culpability.

12. Moreover, the mechanical inspection report (Ex. R-17) confirms that the bus in question was indeed involved in the accident. The post-mortem report (Ex. R-4), conducted at Safdarjung Hospital, New Delhi on 18.09.2023, records the cause of death as “cranio-cerebral damage consequent to blunt force trauma to the head,” with all injuries being ante-mortem. This medical evidence firmly establishes that the deceased succumbed to injuries sustained in a road side accident, further corroborating the case of the claimants.

13. It is trite law that proceedings under the Motor Vehicles Act are summary in nature and are governed by the principle of preponderance of probabilities, not the stricter standard of proof beyond reasonable doubt as required in criminal trials. Reference at this stage can be made to Judgement of apex court in ***Anita Sharma v New India Insurance Company Limited*** **2021 (1) SCC (Cri) 475**, the relevant extract of same is reproduce as under:-

*“22. Equally, we are concerned over the failure of the High Court to be cognizant of the fact that strict principles of evidence and standards of proof like in a criminal trial are inapplicable in MACT claim cases. The standard of proof in such like matters is one of preponderance of probabilities, rather than beyond reasonable doubt. One needs to be*



*mindful that the approach and role of Courts while examining evidence in accident claim cases ought not to be to find fault with non-examination of some best eye witnesses, as may happen in a criminal trial; but, instead should be only to analyze the material placed on record by the parties to ascertain whether the claimant's version is more likely than not true. A somewhat similar situation arose in [Dulcina Fernandes v. Joaquim Xavier Cruz](#)<sup>4</sup> wherein this Court reiterated that:*

*“7. It would hardly need a mention that the plea of negligence on the part of the first respondent who was driving the pickup van by the claimants was required to be decided by the learned Tribunal on the touchstone of preponderance of probabilities and certainly not on the basis of proof beyond reasonable doubt. (Bimla Devi v. Himachal RTC [(2009) 13 SCC 530: (2009) 5 SCC (Civ) 189: (2010) 1 SCC (Cri) 1101] )” (emphasis supplied)*

14. In view of the above discussion and the settled legal proposition of law, it is evident that the learned Tribunal has arrived at its findings after proper evaluation of all relevant facts and evidence on record. The findings of the Ld. Tribunal are based on sound judicial reasoning and do not warrant any interference by this Court.

15. Consequently present appeal is dismissed being devoid of any merits.

16. Pending application(s), if any, stand disposed of.

**23.07.2025**

*Yogesh*

**(SUDEEPTI SHARMA)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**