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

FAO-5843-2024(O&M)

Date of Order:-11.02.2025

United India Insurance Company Ltd.

...Appellant

Versus

Butta Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** :- Mr. Vikas Mohan Gupta, Advocate
for the appellant.

SUVIR SEHGAL, J.(ORAL)

1. By way of instant appeal filed under the Motor Vehicles Act, 1988 (for short 'the Act'), insurance company – appellant has approached this Court assailing award dated 25.09.2024 passed by Motor Accident Claims Tribunal, Patiala (for short – 'the Tribunal').

2. Mr. Vikas Mohan Gupta, counsel for the appellant has argued that the Tribunal has erred in awarding compensation to the claimant, although the driver of the offending vehicle was acquitted by the criminal trial vide judgment dated 06.09.2017. Reference has also been made by him to the statement of injured, Butta Singh – CW1 as well as the cross-examination of eye-witness, Rupinder Singh – CW2 to contend that a false claim had been raised against the insurance company. He has also placed reliance upon the judgment of Hon'ble Supreme Court in United India Insurance Company Ltd. Versus Rajinder Singh and others (2000) 3 SCC 581 and Oriental Insurance



Company Ltd. Versus Kamla and others, Law Finder Doc. ID # 778163.

3. I have heard counsel for the appellant and examined the paper-book with his able assistance.

4. A claim petition was filed by the respondents under Section 166 of the Act for grant of compensation on account of a vehicular accident averring that on 13.03.2015, claimant, Butta Singh, along with one Rupinder Singh, who had gone to purchase some sweets, parked their motorcycle on the side of the road, when bus bearing No.PB-11AM-9577 rashly driven by Sukhwinder Singh, respondent No.2 coming from the wrong side of the road, struck their vehicle. The bus driver fled from the spot. Butta Singh, claimant, received injuries and was admitted in Amar Hospital, Patiala by Rupinder Singh. He remained hospitalised from 13.03.2015 to 23.03.2015 and his treatment is undergoing. FIR No.67 dated 15.03.2015 was registered on the statement of Rupinder Singh under Sections 279, 337, 338 IPC at Police Station Tripuri, Patiala. Respondent No.2 was proceeded against ex-parte and the claim petition was contested by respondent No.3, who is the owner of the offending vehicle. Appellant – insurance company filed a separate written statement and contested the petition on the ground that the driver did not possess a valid licence and that the vehicle was being driven without registration or fitness certificate.

5. In order to establish the case, the claimant examined himself as CW1 and proved the factum of accident. He was supported by Rupinder Singh – CW2, eye-witness. Both the witnesses admitted the statements recorded by them before the criminal Court wherein they



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failed to identify the driver of the bus, resulting in his acquittal. On the basis of evidence led by the parties, the Tribunal arrived at the conclusion that the claimant had suffered injuries in an accident, which had taken place due to the rash and negligent driving of respondent No.1. Discarding the argument of the insurance company that there was a delay of two days in the lodging of the FIR, the Tribunal found that the Investigating Officer had visited the hospital, where the claimant was admitted on 13.03.2015 and 14.03.2015, but his statement could not be recorded as he had suffered head injuries. The reason for the delay in lodging of the FIR has been satisfactorily explained by the claimant, who remained hospitalized for eleven days and produced medical bills totaling Rs.88,205/-. Granting compensation for special diet, attendant and transportation charges besides medical expenses and pain and suffering, the Tribunal awarded an amount of Rs.1,48,205/- to the claimant – respondent No.1.

6. The entire thrust of the argument of the counsel for the appellant is that the driver of the bus was acquitted on account of the statements made by the claimant as well as the eye-witness. The settled legal position is that mere acquittal in a criminal case does not lead to an automatic inference that there was no negligence on the part of the driver of the offending vehicle. The standard of proof required before a Tribunal is entirely different from that of the criminal Court. In motor accident claim cases preponderance of possibilities is the test to arrive at the conclusion regarding negligence. After an exhaustive discussion, in **Himachal Road Transport Corporation and another Versus Jarnail Singh and others 2009 ACJ 2807**, it has been held that acquittal of the



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driver in the criminal case will have no bearing on the findings recorded by the Tribunal as to whether the driver was negligent or not in causing the accident. The Tribunal is to adjudge the case on the basis of evidence produced before it and not on the basis of the testimonies given before the criminal Court. This Court does not find any merit in the arguments raised by counsel for the appellant. Both the judgments relied upon by him would not come to his aid as the insurance company has failed to establish that the claimant had played any fraud with the Tribunal. There is no reason to interfere with the finding of rashness and negligence as well as the quantum of compensation granted by the Tribunal.

7. Finding no merit in the appeal, it is dismissed with no order as to cost.

8. Pending miscellaneous application, stands disposed off.

(SUVIR SEHGAL)
JUDGE

11.02.2025

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No