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

**FAO-925-2017 (O&M)**

**Date of decision : 16.09.2025**

RELIANCE GENERAL INSURANCE CO. LTD

....Appellant

Versus

GURSEWAK SINGH & ORS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

Present : Mr. Sanjeev Kodan, Advocate  
for the appellant.

None for the respondents.

**PANKAJ JAIN, J. (ORAL)**

Challenge is to the award dated 14.12.2016 passed by MACT, Patiala, whereby the claim petition filed by respondent No.1 seeking compensation on account of the injuries suffered by him rendering him permanently crippled in an unconscious state, has been allowed awarding him compensation of Rs.11.00 lacs.

2. Counsel for the appellant/Insurance Company has raised two-fold plea. It has been contended that disability of the injured was not proved. He further submits that there is an inordinate delay of 12 days in registration of FIR.

3. Respondents have opted not to appear despite service.



4. I have heard counsel for the appellant and have carefully gone through records of the case.

5. 19 year old Gursewak Singh suffered injuries in a motor-vehicular accident, dated 05.08.2015. In order to prove his unconscious state and the injuries suffered, Dr. Rajesh Chhabra, Professor, Department of Neurosurgery, PGI, Chandigarh was examined as CW3 through video conferencing. His statement along with cross-examination reads as under:

“Stated that I have brought the original summoned record of patient Gursewak Singh son of Pala Ram resident of Ram Nagar Sainia Patiala, Tehsil Rajpura, District Patiala vide CR no.201504038655. He was brought to PGI emergency on 5.8.2015 with alleged history of road side accident. On arrival, patient was deeply unconscious. On investigation, CT Scan showed multiple small contusions with diffuse injuries. Patient was referred from GMCH Sector 32, Chandigarh. Patient was intubated for respiration. Patient was treated conservatively and was discharged on 10.08.2015. Again said he was referred to District hospital in unconscious state with stable vital for nursing care. I have original record with me today and I made deposition on the basis of such record. I cannot tell at this stage without seeing the patient or intervening treatment record, regarding the disability of patient. Xxxx by Sarvshri N.S. Sarwara and Amit Gupta, Advocates, counsel for respondents.

Lastly, I treated the patient on 10.08.2015 when he was referred to Govt. hospital for nursing care.

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xxxx”

6. Careful perusal of the statement made by Dr. Rajesh Chhabra leads to the inference that the injured has suffered injuries leading to a state



where he had to be intubated for respiration. He was discharged in an unconscious state by PGIMER, Chandigarh and was referred to District Hospital for nursing care. From the testimony, it is evident that the injured is in a vegetative state. His father Pala Ram, appeared as CW4, who produced his discharge case summary and proved that injured is unable to work, walk or move. Neither Dr. Rajesh Chhabra nor Pala Ram were cross-examined w.r.t. disability suffered by Gursewak Singh.

7. In view thereof, the plea raised by Mr. Kodan w.r.t. lack of evidence to prove the physical state of Gursewak Singh, sans merit and is hereby rejected.

8. Issue w.r.t. registration of FIR has been dealt with by the Tribunal. FIR, Exhibit C1, has been proved on record. It is not disputed that driver of the offending vehicle faced trial. Reference can be made to following observations made by Supreme Court in the case of **'ICICI Lombard General Insurance Co. Ltd. vs. Rajani Sahoo'** (2025) 2 SCC 599, observing as under:

“xx xx xx

9. It is true that the Tribunal had looked into the oral and documentary evidence including the FIR, final report and such other documents prepared by the police in connection with the accident in question. The Tribunal had also taken note of the fact that based on the final report, the driver of the offending truck was tried and found guilty for rash and negligent driving. The High Court took note of such aspects and found no illegality in the procedure adopted by the Tribunal and consequently dismissed the appeal.



10. In the contextual situation it is relevant to refer to a decision of this Court in *Mathew Alexander v. Mohd. Shafi* [*Mathew Alexander v. Mohd. Shafi*, (2023) 13 SCC 510 : 2023 INSC 621], this Court held thus : (SCC p. 514, para 12) “12....A holistic view of the evidence has to be taken into consideration by the Tribunal and strict proof of an accident caused by a particular vehicle in a particular manner need not be established by the claimants. The claimants have to establish their case on the touchstone of preponderance of probabilities. The standard of proof beyond reasonable doubt cannot be applied while considering the petition seeking compensation on account of death or injury in a road traffic accident. To the same effect is the observation made by this Court in *Dulcina Fernandes v. Joaquim Xavier Cruz* [*Dulcina Fernandes v. Joaquim Xavier Cruz* (2013) 10 SCC 646 : (2014) 1 SCC (Civ) 73 : (2014) 1 SCC (Cri) 13] which has referred to the aforesaid judgment in *Bimla Devi* [*Bimla Devi v. Himachal RTC*, (2009) 13 SCC 530 : (2009) 5 SCC (Civ) 189 : (2010) 1 SCC (Cri) 1101].”

11. Thus, there can be no dispute with respect to the position that the question regarding negligence which is essential for passing an award in a motor vehicle accident claim should be considered based on the evidence available before the Tribunal. If the police records are available before the Tribunal, taking note of the purpose of the Act it cannot be said that looking into such documents for the aforesaid purpose is impermissible or inadmissible.

12. It is also a fact that the appellant had attributed that the respondent claimants connived with police and fraudulently prepared the chargesheet. The contention is that the vehicle insured with the appellant was not involved in the accident and the accident had occurred solely due to the rash and negligence on the part of the deceased. But the evidence on record would reveal that pursuant to the filing of the final report, cognizance was taken for rash and negligent driving which resulted in the death of Udayanath Sahoo.”



9. Facts of the present case when gazed through the prism of the afore-stated ratio of law, this Court finds that mere delay in lodging FIR is not enough to dislodge the claim made by the respondent-claimant. Touchstone to test the claim under Motor Vehicles Act, 1988, is not ‘proof beyond doubt’ but is ‘preponderance of probabilities’.

10. In view thereof, this Court finds no ground to interfere in the present appeal. The same is ordered to be dismissed.

**September 16, 2025**

**Dpr**

**(Pankaj Jain)**

**Judge**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No