



**FAO-580-2025 (O&M) and
FAO-581-2025 (O&M)**

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

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FAO-580-2025 (O&M)
Date of decision: 30.01.2025

SBI General Insurance Company Ltd.

... Appellant

Vs.

Smt. Suresh and others

... Respondents

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FAO-581-2025 (O&M)

SBI General Insurance Company Ltd.

... Appellant

Vs.

Furkhan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Preet Harinder Singh Pannu, Advocate
for the appellant.

SUVIR SEHGAL J.

1. This order shall dispose of both the above noted appeals
filed under the Motor Vehicles Act, 1988 by the Insurance company,



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assailing common award dated 05.11.2024, made by Motor Accident Claims Tribunal, Charkhi Dadri, (for short 'the Tribunal').

2. Factual position has been taken from FAO-580-2025. On 03.01.2019, Sunil @ Sonu along with Furkhan (respondent No.1 in FAO-581-2025) were travelling in a truck bearing registration No.UP-17AT-0902 and were transporting buffalos. The truck was being driven by Ikram in a rash manner, which turned turtle due to over speeding and Sunil @ Sonu and two buffalos died at the spot while Furkhan received grievous injuries. Two separate claim petitions were filed. The mother and brother of deceased Sunil @ Sonu filed the first petition (out of which FAO-580-2025 has arisen) and the second petition was filed by the injured Furkhan. Both the petitions have been partly accepted by the Tribunal. An amount of Rs.12,63,000/- along with interest @ 7.5% from the date of filing of the claim petition, has been awarded to the mother of deceased Sunil @Sonu and an amount of Rs. 1 Lac has been awarded to the injured Furkhan against appellant- insurance company.

3. Placing reliance upon DDR dated 03.01.2019, Ex.P-1, counsel for the appellant submits that Ikram, driver of the offending vehicle has reported that the accident occurred as stray cattle came in front of the vehicle and in order to save them, he applied breaks due to which, the vehicle lost balance and overturned. Reference has also



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been made by him to the cross-examination of injured Furkhan, PW-1, to support this assertion. It is his argument that both the deceased as well as Furkhan-injured were travelling in the rear portion of the vehicle and as they were unauthorized passengers, insurance company cannot be fastened with the liability to pay compensation.

4. I have heard counsel for the appellant at some length and considered his submissions.

5. In order to establish the factum of the accident, Furkhan PW-1, has filed his affidavit Ex.PW1/A wherein he has deposed that he was travelling in the truck being driven at a high speed by Ikram. He has categorically stated that despite being asked to slow down, Ikram did not pay heed to the warnings. It has been deposed that the vehicle turned over because of the negligent driving of Ikram. The self serving statement of the driver as recorded in DDR cannot cast a doubt on the testimony of Furkhan, PW-1, and it would not absolve the insurance company of the liability to make the payment of compensation. Ikram, the driver of the offending vehicle has not stepped into the witness box. Therefore, there is no material to discard the testimony of the injured. Mere non-registration of the FIR, will not help the insurance company as rash and negligent driving of Ikram has been established on the basis of the evidence led by the claimants. Therefore, the findings recorded by the Tribunal under issue No.1 are



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affirmed.

6. Said son of Mohd. Yasin, who appeared as RW-1, stated that the owner of the goods or his agent/representative could travel with the goods in the vehicle. It has come on the record that Sunil @ Sonu and Furkhan were transporting buffaloes for sale and travelling in truck with the cattle. They were not unauthorized passengers and are covered by the insurance policy. This argument of the counsel for the appellant is rejected.

7. On the basis of evidence adduced by Rajbir, PW-2, brother of deceased Sunil @ Sonu, it has been proved that Sunil was doing the business of sale and purchase of buffaloes. No documentary evidence regarding his income could be brought on the record, although, it has been claimed that the deceased was earning Rs.50,000/- per month. Applying the wages payable to unskilled labour as notified by the Haryana Government, Tribunal assumed the monthly income of the deceased, who was 33 years of age, at Rs.8827/-. A multiplier of 16 was awarded and deducting 50% for his personal expenses, as the deceased was unmarried, Tribunal awarded Rs.12,63,000/- along with interest @ 7.5% to his mother, Smt. Suresh. Amount has been awarded by the Tribunal keeping in view the principles laid down by the Supreme Court in *Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009)6*



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SCC 121; National Insurance Company Ltd. Versus Parnay Sethi, (2017)16 SCC 680 and *Magma General Insurance Company Ltd. Versus Nanu Ram @ Chuhru Ram and others, (2018) SCC 130.* This Court is of the opinion that the compensation has been granted by adhering to the guidelines laid down by the Supreme Court and does not warrant any interference.

8. In so far as Furkhan-injured is concerned, he has led evidence to show that he sustained injuries in the accident and remained an indoor patient at Raksha Hospital Trauma Centre, Delhi Road, Bagwat from 03.01.2019 to 06.01.2019. He suffered three fractures and spent on his medical treatment and medicines. He remained out of employment for several months and had to incur attendant charges. The Tribunal awarded him a net amount of Rs.1 lac for the injuries, hospitalization, treatment, loss of income, pain and suffering, which does not require reduction.

9. For the reasons recorded above, this Court does not find any merit in both the appeals, which are dismissed with no order as to costs.

10. As both the appeal has been decided, pending applications, if any, are disposed of.

30.01.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No