

PUNJAB AND HARYANA HIGH COURT

SINGLE BENCH

(Before : Deepak Gupta, J.)

JANPAL SINGH

Vs.

OM PARKASH AND OTHERS

FAO No. 5732 of 2011 (O&M)

Decided on : 17-07-2026

A. Motor Vehicles Act, 1988 — Claim petition — Standard of proof — Preponderance of probabilities — Proceedings before the Motor Accident Claims Tribunal are summary in nature and negligence is to be proved on the touchstone of preponderance of probabilities, not beyond reasonable doubt — However, this relaxed standard does not dispense with the claimant's obligation to lay a credible factual foundation establishing involvement of the offending vehicle and the manner of the accident; mere production of medical records showing injuries does not, by itself, establish that the injuries were sustained in the accident alleged. [Para 9]

B. Evidence — Non-examination of available eye-witnesses — Adverse effect on claimant's version — Where the claimant admittedly became unconscious immediately after the accident and the only persons capable of proving the manner of occurrence and identity of the offending vehicle were two named companions, both alive and available, their non-examination without explanation assumes considerable importance, particularly where the entire occurrence is disputed by the respondents. [Paras 11-12]

C. Evidence — Delayed medico-legal examination and absence of contemporaneous hospital record — Effect — A medico-legal report obtained after an unexplained delay of about thirty-five days, based solely on the claimant's own subsequent version, cannot independently establish the occurrence or the involvement of the offending vehicle — Similarly, absence of any contemporaneous record from the hospital where the claimant claims to have first been treated — no doctor examined, no casualty register or referral slip produced — substantially weakens the claimant's case. [Paras 14, 16]

D. Evidence — Acquittal in connected criminal case — Relevance in claim petition — An acquittal in a criminal case arising from the same accident is not conclusive in deciding a motor accident claim petition, since the standards of proof in the two proceedings differ — However, where the claimant has independently failed to produce convincing evidence of occurrence and involvement of the offending vehicle, such acquittal constitutes an additional circumstance supporting the Tribunal's conclusion. [Para 17]

E. Appeal — Interference with findings of fact by Claims Tribunal — Scope — An appellate court ordinarily interferes with findings of fact recorded by the Tribunal only where such findings are shown to be perverse, based on no evidence, or arrived at by ignoring material evidence — Cumulative effect of withheld eye-witnesses, absence of contemporaneous medical record, delayed medico-legal report, and disconnect between medical evidence and the alleged vehicle rendered the claimant's version doubtful even on preponderance of probabilities, warranting no interference with the Tribunal's dismissal of the claim. [Paras 18-22]

Counsel for Appearing Parties

Ms. Devika Kamboj, Advocate, Mr. Gaurav Arora, Advocate and Mr. Vikram Singh, Advocate for the appellant; None for respondent Nos. 1 and 2; Ms. Madhu Sharma, Advocate for respondent No.3.

JUDGMENT

Deepak Gupta, J. - The present appeal has been preferred by the claimant assailing the award dated 23.05.2011 passed by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as "the Tribunal"), whereby the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the injuries allegedly sustained in a motor vehicular accident involving Maruti Car bearing registration No. DL-6CF-4531 was dismissed.

2.1 Facts : As pleaded before the Tribunal, the claimant asserted that on 03.02.2005 he, along with Sukhwinder Singh son of Hazoor Singh, and Parmod Kumar son of Bachan Singh, was standing near Khansar Chowk on Panipat-Safidon-Assandh Road. At that time, respondent No.1 allegedly came driving the aforesaid Maruti car in a rash and negligent manner and struck him, resulting in fracture of his right leg. According to the claimant, respondent No.1 stopped the vehicle after the accident and disclosed his identity.

2.2 It was further pleaded that he was initially taken to Civil Hospital, Safidon and thereafter shifted to Virk Orthopedic Centre, Karnal on 05.02.2005, where surgery was performed and he remained admitted till 07.02.2005. Since no medico-legal report was prepared at Civil Hospital, Safidon, the police did not register any criminal case. Consequently, he got himself medico-legally examined on 10.03.2005 and thereafter repeatedly approached the police for registration of the FIR. As no action was taken, he

instituted a criminal complaint under Sections 279, 337 and 338 IPC against respondent No.1, in which summons were issued.

2.3 The claimant further pleaded that he was 23 years of age, earning Rs. 75,000/- per month, had suffered permanent disability and incurred substantial medical expenses.

3. Respondent No.1, who was also the owner of the vehicle, denied the occurrence altogether. According to him, no accident involving the alleged vehicle had taken place.

4. The Insurance Company also disputed the occurrence besides raising the statutory defence regarding the driving licence.

5. After recording evidence, the Tribunal held that the claimant had failed to establish that the alleged accident had occurred due to rash and negligent driving of the offending vehicle and consequently dismissed the claim petition.

6. **Submissions :** Learned counsel appearing for the appellant submits that the Tribunal adopted an unduly technical approach. It is argued that proceedings before the Motor Accident Claims Tribunal are summary in nature and negligence is required to be established only on the touchstone of preponderance of probabilities. According to him, merely because no FIR was registered or the two eye-witnesses were not examined, the otherwise unrebutted medical evidence could not have been discarded.

7. **Per contra**, learned counsel appearing for respondent No.3- Insurance Company supports the impugned award by contending that there is absolutely no reliable evidence connecting the alleged offending vehicle with the injuries sustained by the claimant.

8. **Court Analysis :** The only question requiring determination in the present appeal is whether the claimant has succeeded in establishing, on the standard of preponderance of probabilities, that he sustained injuries in an accident caused by the rash and negligent driving of respondent No.1 while driving Maruti Car No. DL-6CF-4531.

9. There can be no dispute with the settled proposition that proceedings under the Motor Vehicles Act are summary in nature and strict rules of evidence are not to be applied with the same rigour as in a criminal trial. Equally well settled is the principle that negligence before the Claims Tribunal is to be proved on the basis of preponderance of probabilities and not beyond reasonable doubt. Nevertheless, the claimant is required to lay a credible factual foundation establishing the involvement of the offending vehicle and the manner of accident. Mere production of medical records showing injuries cannot by itself establish that such injuries were sustained in the accident alleged in the claim petition.

10. Tested on the aforesaid principles, this Court finds no infirmity in the appreciation of evidence by the Tribunal.

11. The claimant specifically pleaded that immediately before the accident, he was conversing with Sukhwinder Singh and Parmod Kumar, who had allegedly witnessed the occurrence. However, during his cross-examination, the claimant admitted that he became unconscious immediately after the accident and regained consciousness only after two or three hours in Civil Hospital, Safidon. He further admitted that before

becoming unconscious, he had not noted the address or other particulars of respondent No.1.

12. This admission assumes significance. If the claimant had become unconscious immediately after the alleged accident, the only persons capable of proving the manner of occurrence, identity of the offending vehicle and the identity of its driver were the two persons admittedly present with him. Both these witnesses were admittedly alive, when the claimant entered the witness box, yet neither of them was examined without any explanation whatsoever. Though no adverse inference can be drawn merely because every witness is not examined, failure to produce the most natural and material witnesses assumes considerable importance where the entire occurrence itself is disputed.

13. The absence of prompt reporting of the occurrence also assumes significance in the peculiar facts of the present case. Admittedly, no FIR was registered regarding the accident. The explanation furnished by the claimant is that no medico-legal report was prepared at Civil Hospital, Safidon and, therefore, the police refused to register the case.

14. Even this explanation does not inspire confidence. The claimant admittedly got himself medico-legally examined only on 10.03.2005, i.e. nearly thirty-five days after the alleged accident. The medico-legal report (Ex.P2) records the history of a road accident allegedly occurring on 03.02.2005, but such history is based solely upon the version supplied by the claimant himself after more than one month of the alleged occurrence. The document, therefore, cannot independently establish either the occurrence of the accident or the involvement of the offending vehicle.

15. The earlier medical record relied upon by the claimant is the discharge and follow-up card (Ex.P1) issued by Virk Orthopedic Centre, Karnal. Although the discharge summary records a history of a road traffic accident, it does not mention the date, place or manner of occurrence, nor does it disclose the identity or registration number of the offending vehicle. Consequently, Ex.P1 merely establishes that the claimant had sustained injuries and underwent treatment. It does not establish the nexus between those injuries and the particular accident pleaded in the claim petition.

16. Equally significant is the fact that despite asserting that he was initially taken to Civil Hospital, Safidon immediately after the accident, the claimant has not produced any medical record from that hospital showing his examination or admission on the date of occurrence. No doctor from Civil Hospital was examined. No casualty register, treatment record or referral slip has been produced. The complete absence of any contemporaneous medical record from the hospital, where the claimant claims to have been first taken substantially weakens the version put forward by him.

17. Another circumstance which cannot altogether be ignored is that although respondent No.1 was summoned in the criminal complaint instituted by the claimant, the criminal proceedings ultimately culminated in his acquittal, as evidenced by judgment Ex.R1. It is true that an acquittal in a criminal case is not conclusive for deciding a claim petition under the Motor Vehicles Act, since the standards of proof in the two proceedings are entirely different. Nevertheless, where the claimant has otherwise failed to produce convincing independent evidence establishing the

occurrence and the involvement of the offending vehicle, the acquittal constitutes an additional circumstance lending support to the conclusion reached by the Tribunal.

18. Thus, the cumulative effect of the evidence is that-

- (i) the two admittedly available eye-witnesses were withheld;
- (ii) there is no contemporaneous medical record from Civil Hospital, Safidon;
- (iii) the medico-legal report Ex.P2 was obtained after an unexplained delay of about thirty-five days;
- (iv) the discharge summary Ex.P1 does not connect the injuries with the offending vehicle; and
- (v) the criminal prosecution initiated by the claimant ended in acquittal.

19. Individually, each of these circumstances may not have been decisive. However, when viewed cumulatively, they render the claimant's version highly doubtful and insufficient even on the standard of preponderance of probabilities.

20. An appellate Court would ordinarily interfere with findings of fact recorded by the Tribunal only when such findings are shown to be perverse, based on no evidence, or arrived at by ignoring material evidence. The appellant has been unable to reveal any such infirmity in the impugned award. On the contrary, the Tribunal has appreciated the evidence in its proper perspective and has assigned cogent reasons for disbelieving the claimant's version.

21. **Conclusion:** For the reasons recorded above, this Court finds no ground to interfere with the well-reasoned award dated 23.05.2011 passed by the Motor Accident Claims Tribunal, Jind.

22. Consequently, the present appeal, being devoid of merit, is dismissed. Pending application(s), if any, shall also stand disposed of.