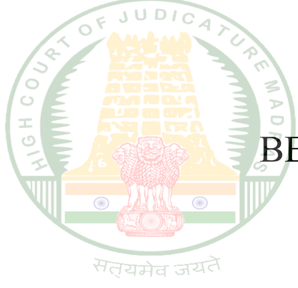

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	18.06.2026
Pronounced On	:	25.06.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.A.(MD).No.54 of 2023
and
CMP(MD)No.651 of 2023

M/s.Shree Ram General Insurance Co., Ltd.,
E-8, EPIP, RIICO, Sitapura,
Jaipur, Rajasthan-302 022. ... Appellant / 2nd Respondent

Vs.

1.Daniel

2.Minor Jose

(R2 is represented through his father and Guardian Daniel, the 1st respondent herein)

3.Thilagamani ...1st to 3rd Respondents / Petitioners

PRAYER:- Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the judgment and decree passed by the Motor Accident Claims Tribunal, Special District Court, Tiruchirappalli, in MCOP No. 5446 of 2013 dated 21.09.2021.

For Appellant	:	Mr.D.Sivaraman
For R1 & R2	:	Mr.A.John Vincent
For R3	:	Mr.R.Arun Raj

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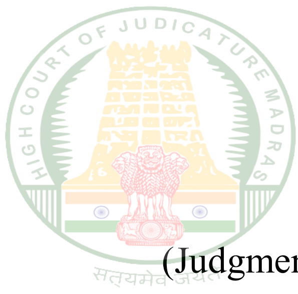

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JUDGMENT

(Judgment of the Court was delivered by K.K.RAMAKRISHNAN.J,)

The second respondent, namely the appellant–Insurance Company, in M.C.O.P. No. 5446 of 2013 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tiruchirappalli, has preferred the present appeal challenging the award dated 21.09.2021 passed by the Tribunal.

2. **Facts of the case**:

2.1. The respondents 1 and 2 herein are the claimants before the Tribunal. According to the claim petition, the husband of the first claimant, namely Janasri (hereinafter referred to as "the deceased"), was employed as a Teacher in the Thumbalam Panchayat Union School. On 19.04.2013, at about 8.30 a.m., while the deceased was returning home from his school on his TVS Scooty Pep Plus bearing Registration No. TN-48-S-1467, proceeding on the Musiri–Thathaiyangarpet Road near Solampatti, Selvampatti Village, the offending vehicle bearing Registration No. TN-47-X-4973 came from the opposite direction in a rash and negligent manner, at a high speed, on the wrong side of the road and without honking, and dashed against the motorcycle ridden by the deceased. As a result of the impact, the deceased sustained multiple grievous injuries and succumbed to the injuries at the scene of occurrence. Immediately after the accident, the Village Administrative Officer lodged a complaint before

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the jurisdictional police, on the basis of which a case in Crime No. 124 of 2013 was registered. Initially, the offending vehicle was not identified in the First Information Report. However, during the course of investigation, the police identified the offending vehicle bearing Registration No. TN-47-X-4973 and, upon completion of the investigation, filed a final report against its driver, namely Prabhakaran. Thereafter, the claimants filed M.C.O.P. No. 5446 of 2013 before the Tribunal claiming compensation of **Rs.1,50,00,000/-** for the death of the deceased.

2.2. The appellant–Insurance Company filed a detailed counter statement disputing the manner of the accident, the involvement of the offending vehicle, and the negligence attributed to its driver. It was specifically contended that the offending vehicle was not involved in the accident and that the deceased himself was solely responsible for the occurrence. Consequently, the Insurance Company contended that the claimants were not entitled to any compensation.

2.3. To substantiate their claim, the claimants examined PW1 to PW3 and marked Exhibits P1 to P10. On the side of the Insurance Company, RW1 to RW4 were examined and Exhibits R1 to R6 were marked. In addition, the Tribunal examined Court Witnesses CW1 to CW7 and marked the relevant Court Exhibits.

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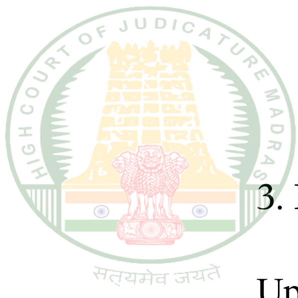
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3. **Finding of the Tribunal** :

Upon appreciation of the entire oral and documentary evidence, the learned Tribunal held that the accident had occurred solely due to the rash and negligent driving of the driver of the offending vehicle and that the involvement of the said vehicle stood duly established. Accordingly, the Tribunal awarded a total compensation of **Rs.48,94,094/-** together with interest at the rate of **7.5% per annum** from the date of the claim petition till the date of realisation. The Tribunal further found that the driver of the offending vehicle was not holding a valid driving licence on the date of the accident. Consequently, while directing the appellant–Insurance Company to satisfy the award in the first instance, the Tribunal granted liberty to recover the amount from the owner of the offending vehicle, applying the principle of 'pay and recover.' Aggrieved by the findings regarding the involvement of the vehicle, negligence, quantum of compensation, and the direction to pay and recover, the present appeal has been preferred by the appellant–Insurance Company.

4. **Submissions of the learned counsel appearing for the appellant** :-

4.1. The learned counsel appearing for the appellant–Insurance Company vehemently contended that the involvement of the offending vehicle in the accident has not been established by the claimants. In support of the said

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contention, the appellant examined the Investigating Officer in Crime No.124 of 2013 as RW3. RW3 deposed that, during the course of investigation, the alleged eyewitness, who was subsequently examined before the Tribunal as PW2, had not been examined by him. According to the learned counsel, this omission creates a serious doubt regarding the prosecution case relating to the involvement of the offending vehicle.

4.2. The learned counsel further submitted that, in the connected criminal proceedings, the owner of the vehicle had entered the witness box and categorically deposed that he himself was driving the vehicle on the date of occurrence and that the charge-sheeted accused, namely Prabhakaran, had never driven the vehicle. In order to substantiate the said contention, the appellant marked the judgment rendered in the criminal appeal as Ex.R2. It was argued that the Tribunal failed to properly appreciate the evidentiary value of Ex.R2 and erroneously concluded that the offending vehicle was involved in the accident and consequently fastened liability upon the appellant by directing "pay and recover."

4.3. According to the learned counsel, once the Insurance Company had produced cogent evidence, namely the testimony of RW3 and Ex.R2, to

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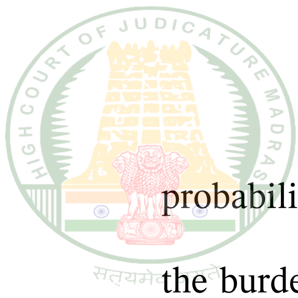
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probabilise its defence that the insured vehicle was not involved in the accident, the burden shifted to the claimants to establish the involvement of the vehicle. It was therefore contended that the Tribunal committed a manifest error in fixing liability upon the appellant.

4.4. The learned counsel further placed reliance upon the decision of the Hon'ble Supreme Court in ***Reshma Kumari and Others v. Madan Mohan and Another***, reported in ***2013 (1) TN MAC 481 (SC)***, and submitted that in a petition filed under Section 166 of the Motor Vehicles Act, the claimants are required to establish the foundational facts regarding the occurrence of the accident, including the involvement of the offending vehicle. Since, according to the appellant, the claimants failed to discharge the said burden, the impugned award is liable to be set aside.

5. Per contra, the learned counsel appearing for the claimants supported the award passed by the Tribunal. It was submitted that the Tribunal had meticulously appreciated the entire oral and documentary evidence before arriving at the conclusion regarding the involvement of the offending vehicle.

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5.1. The learned counsel pointed out that, upon completion of the investigation, the police filed the final report against Prabhakaran alleging that he had driven the offending vehicle at the time of the accident. Though reliance was placed by the appellant on the criminal appellate judgment, a careful reading of the said judgment would show that the involvement of the offending vehicle was never in dispute. The only issue considered therein was whether the vehicle was driven by Prabhakaran or by its owner at the relevant point of time. Therefore, the criminal appellate judgment does not in any manner negate the involvement of the insured vehicle in the accident.

5.2. The learned counsel further submitted that this Court had called for and perused the original police records as well as the records of the connected criminal case. A careful examination of those records clearly establishes that the investigation consistently proceeded on the basis that the offending vehicle bearing Registration No. TN-47-X-4973 was involved in the accident and that the final report was filed accordingly.

5.3. It was also contended that merely because PW2 was not examined by the Investigating Officer during the investigation, there is no legal bar for examining him before the Claims Tribunal as an eyewitness. The testimony of

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PW2 has remained consistent throughout and nothing substantial has been elicited during cross-examination to discredit either his presence at the scene or the truthfulness of his evidence. Once the presence of an eyewitness is satisfactorily established, his testimony cannot be discarded merely because his statement had not been recorded during the police investigation.

5.4. The Tribunal, after carefully analysing the evidence of PW2 along with the other materials available on record, accepted his testimony and recorded a categorical finding regarding the involvement of the offending vehicle. The said finding, being based on proper appreciation of evidence, does not call for interference by this Court.

5.5. Therefore, the contention of the learned counsel that PW2 is not a trustworthy witness merely because he was not examined during the police investigation is misconceived.

6. This Court has carefully considered the rival submissions advanced by the learned counsel appearing on either side, perused the entire records and the precedents relied upon by them.

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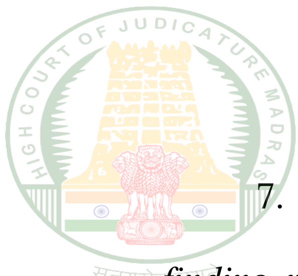
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7. The principal question that arises for consideration is *whether the finding recorded by the Tribunal regarding the involvement of the offending vehicle warrants interference?*.

8. **Discussion and Findings :**

8.1. The learned counsel appearing for the appellant–Insurance Company mainly relied upon the judgment rendered by the Criminal Court, wherein the accused, namely Prabhakaran, who was alleged to have driven the offending vehicle on the date of the accident, came to be acquitted of the criminal charges arising out of the motor accident that occurred on 19.04.2013.

8.2. It was further contended that RW3, the Investigating Officer, categorically admitted that he had not examined PW2, who was examined before the Tribunal as an eyewitness to the occurrence. On the strength of the said omission, it was argued that PW2 is not a trustworthy witness and, consequently, the finding of the Tribunal regarding the involvement of the offending vehicle is liable to be set aside.

8.3. Before considering the said contention, it is necessary to refer to the well-settled principles governing proof in proceedings under the Motor Vehicles Act.

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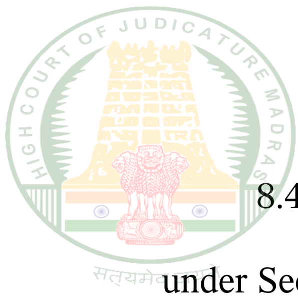
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8.4. The Hon'ble Supreme Court has consistently held that proceedings under Section 166 of the Motor Vehicles Act are summary in nature and that the claimants are only required to establish their case on the touchstone of preponderance of probabilities. The strict standard of proof applicable to criminal trials, namely proof beyond reasonable doubt, has no application to claim proceedings before the Motor Accident Claims Tribunal. Reference may be made to ***Bimla Devi v. Himachal Road Transport Corporation, (2009) 13 SCC 530; Mangla Ram v. Oriental Insurance Co. Ltd., (2018) 5 SCC 656; Sunita v. Rajasthan State Road Transport Corporation, (2020) 13 SCC 486***; and ***Parmeshwari v. Amir Chand, (2011) 11 SCC 635***.

8.5. Accordingly non-examination of a witness by the Investigating Officer does not render the testimony of such witness inadmissible or unreliable. The Tribunal is required to independently assess the credibility of the witness. If the testimony inspires confidence and is otherwise trustworthy, it can safely be relied upon.

8.6. In the present case, PW2 has given a cogent, natural and consistent account of the occurrence. He has satisfactorily explained that immediately after witnessing the accident, he received information regarding the serious

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illness of his grandmother and, therefore, had to leave the village. Consequently, there was no occasion for the Investigating Officer to examine him either during the inquest or in the course of investigation. At the Worst, it can only be said that there was an omission on the part of the Investigating Officer in not recording the statement of PW2. Such omission cannot, by itself, discredit otherwise reliable evidence.

8.7. The appellant heavily relied upon the judgment of acquittal passed by the Criminal Court. This Court has, therefore, called for and perused the records of the connected criminal proceedings.

8.8. A careful reading of the evidence of the owner of the offending vehicle, who was examined as PW3 in the criminal case, reveals that he never disputed the involvement of the offending vehicle in the accident. His only case was that he himself had driven the vehicle on the date of the occurrence and not Prabhakaran, who had been arrayed as the accused.

8.9. Since strong reliance was placed by the appellant on the criminal Court judgment, this Court has examined the evidence forming part of the said proceedings. There is no legal impediment in referring to such evidence for the

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limited purpose of appreciating the contentions advanced before this Court and extracted evidence of the owner in the criminal case:-

> நான் சோளம்பட்டி தும்பலத்தில் குடியிருந்து வருகிறேன். டிராக்டர் வைத்து தொழில் செய்து வருகிறேன். ஆஜர் எதிரியை எனக்கு தெரியாது. ஏனக்கு சொந்தமான டிராக்டரின் பதிவு எண்.47 எக்ஸ் 4973. 19.04.2013ம் தேதி மாலை 05.00 மணி அளவில் மண் ஏற்றிக் கொண்டு செல்லிப்பாளையம் சென்று கொண்டிருந்தபோது காவல்துறையினர் எனது வண்டியை பிடித்து சம்பந்தமாக என்னை காவல்நிலையத்திற்கு வரச்சொல்லி விசாரித்தனர். அன்றைய தினம் எனக்கு சொந்தமான டிராக்டரை நான் தான் ஓட்டி சென்றேன். நுான் காவல்நியைத்தில் எனக்கு சொந்தமான டிராக்டரை ஓப்படைத்தேன். போலீசார் விசாரிக்க விவரம் சொன்னேன்.
>
> அரசு தரப்பில் சாட்சி பகுதி பிறழ் சாட்சியாக அனுமதிக்க கோரி அனுமதிக்கப்பட்டு அரசு தரப்பில் குறுக்கு விசாரணை:-
>
> கடந்த 19.04.2013ம் தேதி மாலை 5.00 மணி அளவில் எனது டிராக்டர் டிரைவர் பிராபகரன் உரிமம் இல்லை என்றும், தன்னுடைய டிராக்டர் விவசாய வேலைக்கு மட்டுமே பயன்படுத்தி வந்ததாகவும், அதனால் ஓட்டினர் உரிமம் இல்லாத பிரபாகரனை டிரைவராக வைத்திருந்தாகவும், சம்பவத்தன்று எனக்கு வயிற்று போக்கு காரணமாக மேற்படி பிரபாகரனை டிராக்டரை ஓட்ட எடுத்து சென்றதாகவும், அன்றைய தினம் 4.20 மணிக்கு முசிறிதாத்தையங்கார் பேட்டை ரோட்டில் அதிவேகமாகவும், கவனக்குறைவாகவும், ஓட்டி விபத்தை ஏற்படுத்தி இறப்பை ஏற்படுத்தியதாக நான் கேள்விப்பட்டேன் என்று போலீசார் விசாரணையில் கூறிவிட்டு, தற்போது எதிரி தனது ஓட்டுநர் என்பதால் உண்மையை மறைத்து பொய் சாட்சியம் அளிக்கிறேன் என்றால் சரியல்ல.

8.10. Thus, the controversy before the Criminal Court was confined only to the identity of the driver of the offending vehicle and not the involvement of the vehicle itself. The criminal Court ultimately acquitted the accused by extending the benefit of doubt regarding the identity of the driver. Such acquittal cannot automatically lead to the conclusion that the offending vehicle was not involved in the accident.

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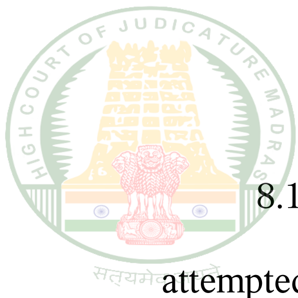
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8.11. Therefore, in view of discussion this Court finds that the owner attempted to shift the responsibility upon himself only to avoid the statutory consequences arising from the fact that the charge-sheeted driver did not possess a valid driving licence. The said evidence, therefore, does not inspire confidence and cannot outweigh the consistent evidence adduced before the Tribunal.

8.12. Merely because RW3 admitted that he had not examined PW2 during investigation, the evidence of PW2 cannot be rejected, particularly when his testimony remained unshaken in cross-examination and is fully corroborated by the surrounding circumstances and the documentary evidence.

8.13. The Tribunal has rightly relied upon the final report, the testimony of PW2 and the other evidence available on record to conclude that the offending vehicle bearing Registration No. TN-47-X-4973 was involved in the accident.

8.14. This Court has in C.M.A. No. 888 of 2024, after an elaborate discussion on the evidentiary value of eyewitnesses examined before the Motor Accident Claims Tribunal, held that merely because a witness was not

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examined by the Investigating Officer in the criminal case his evidence cannot be discarded in claim proceedings if it is otherwise reliable and inspires confidence.

> *"**13.** ..... It is well settled that findings in criminal proceedings do not have impact on proceedings under the Motor Vehicles Act, where the standard of proof is one of preponderance of probabilities.*

> ***14**.On a cumulative assessment of the evidence, this Court finds that the materials placed by the claimants, including the oral evidence of PWs 3 and 4 and the investigation culminating in the final report, inspire confidence and leave no room for suspicion. There is neither pleading nor proof of fraud or fabrication as alleged by the appellant.*

> ***15**.It is trite that proceedings under the Motor Vehicles Act are summary in nature, and strict rules of evidence as applicable to criminal trials are not required to be adhered to. The claimants are only required to establish their case on the touchstone of preponderance of probabilities. In this regard, the Hon'ble Supreme Court and various courts have consistently held that even in cases where the offending vehicle was not initially identified in the FIR, subsequent investigation establishing involvement is sufficient to fasten liability and the relevant portion of the judgments as follows:*

> ***16.** The Hon'ble Supreme Court in the case of **Janabai v. ICICI Lambord Insurance Co. Ltd., reported in (2022) 10 SCC 512** reversed the judgment of the High Court, which had declined to fasten liability on the insured vehicle merely on the ground that the*

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registration number of the offending vehicle was not mentioned in the FIR. The Apex Court held that, in a motor accident claim, the Tribunal is required to determine the involvement of the vehicle on the basis of the oral and documentary evidence available on record and not solely on the contents of the FIR. The Supreme Court also took note of the fact that the owner of the insured vehicle had not lodged any complaint alleging false implication of the vehicle in the accident. The relevant portion of the judgment reads as follows:

> *"**9.** We have heard the learned counsel for the parties and find that the order [ICICI Lombard Insurance Co. Ltd. v. Janabai, 2018 SCC OnLine Bom 21282] of the High Court is unsustainable. Appellant 1 and her husband had received injuries in an accident which took place on 1-6-2007. She lost her husband on 25-6-2007. The primary concern of Appellant 1 or other relatives at the time of incident was to take care of the deceased in his critical condition. The health and well-being of her husband was her priority rather than to lodge an FIR. The High Court has proceeded primarily on the basis of information to the police regarding non-disclosure of the name of the driver of the car in the FIR. Appellant 1 has filed her examination-in-chief on 1-8-2011 disclosing the car number of the offending vehicle. The owner and the Insurance Company had the opportunity to cross-examine the witness in support of their stand that the vehicle number given by her was not involved in the accident. In cross-examination, she deposed that she was brought to the hospital in the vehicle which dashed into their vehicle. She deposed that she was mentally disturbed and hospitalised, therefore, she filed the complaint late.*
>
> ***10.** On the other hand, the owner has appeared as a witness. He admitted that he had taken the vehicle on superdari and that he has not filed any proceedings to quash FIR against*

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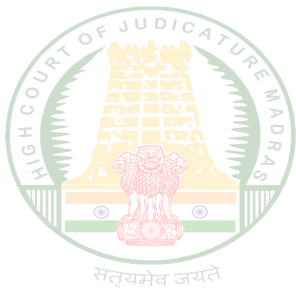
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Sanjay, driver of the Car. He admitted that bail application form and surety bond (Exts. 68, 69 and 70) show that he has stood surety for the driver wherein he has mentioned the accused as driver of his vehicle. It has also come on record that the owner has not made any complaint in respect of false implication of his vehicle or the driver.

11. We find that the rule of evidence to prove charges in a criminal trial cannot be used while deciding an application under Section 166 of the Motor Vehicles Act, 1988 which is summary in nature. There is no reason to doubt the veracity of the statement of Appellant 1 who suffered injuries in the accident. The application under the Act has to be decided on the basis of evidence led before it and not on the basis of evidence which should have been or could have been led in a criminal trial. We find that the entire approach of the High Court is clearly not sustainable."

17. *The Hon'ble Supreme Court in the case of Kusum Lata v. Satbir, reported in (2011) 3 SCC 646 relied the evidence of the eyewitness to the occurrence produced during the course of the Motor Accident Claims Tribunal proceedings and held that the proof of the accident before the Motor Accident Tribunal is not like that of the proof as required to be done in a criminal trial and the relevant paragraphs as follows:*

"7. *When Dheeraj Kumar was cross-examined, he stated that the deceased Surender is not related to him nor was he his neighbour. He was his co-villager. Dheeraj Kumar also told that he knows the driver of the vehicle bearing No. HR 34 8010. He denied all suggestions that he was giving his evidence to help the victim.*

8. *Both the Tribunal and the High Court have refused to accept the presence of Dheeraj Kumar as his name was not disclosed in the FIR by the brother of the victim. This Court is*

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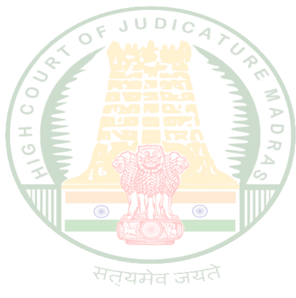
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unable to appreciate the aforesaid approach of the Tribunal and the High Court. This Court is of the opinion that when a person is seeing that his brother, being knocked down by a speeding vehicle, was suffering in pain and was in need of immediate medical attention, that person is obviously under a traumatic condition. His first attempt will be to take his brother to a hospital or to a doctor. It is but natural for such a person not to be conscious of the presence of any person in the vicinity especially when Dheeraj did not stop at the spot after the accident and gave a chase to the offending vehicle. Under such mental strain if the brother of the victim forgot to take down the number of the offending vehicle it was also not unnatural.

9. *There is no reason why the Tribunal and the High Court would ignore the otherwise reliable evidence of Dheeraj Kumar. In fact, no cogent reason has been assigned either by the Tribunal or by the High Court for discarding the evidence of Dheeraj Kumar. The so-called reason that as the name of Dheeraj Kumar was not mentioned in the FIR, so it was not possible for Dheeraj Kumar to see the incident, is not a proper assessment of the fact situation in this case. It is well known that in a case relating to 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 this distinction in mind.*

10. *Reference in this connection may be made to the decision of this Court in Bimla Devi v. Himachal RTC [(2009) 13 SCC 530 : (2010) 1 SCC (Cri) 1101] , in which the relevant observation on this point has been made and which is very pertinent and is quoted below: (SCC p. 534, para 15)*

"15. In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a

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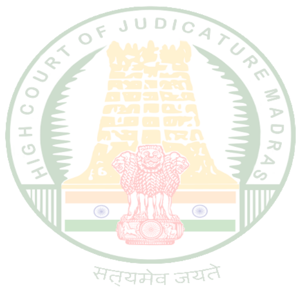
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particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied."

*18. The Hon'ble three Bench of Supreme Court in the case of the **Anita Sharma v. New India Assurance Co. Ltd.**, reported in **(2021) 1 SCC 171** has affirmed the principles in the case of **Sunita v. Rajasthan SRTC [Sunita v. Rajasthan SRTC**, reported in **(2020) 13 SCC 486]** that the Motor Accident Tribunal can place reliance of the evidence of the witnesses produce before the Tribunal even though they were not cited as witnesses in the criminal case to prove the involvement of the vehicle and accident and the relevant portion as follows:*

" 20........ There is nothing in the Act to preclude citing of a witness in motor accident claim who has not been named in the list of witnesses in the criminal case. What is essential is that the opposite party should get a fair opportunity to cross-examine the witness concerned. Once that is done, it will not be open to them to complain about any prejudice caused to them. If there was any doubt to be cast on the veracity of the witness, the same should have come out in cross-examination, for which opportunity was granted to the respondents by the Tribunal.

***

32. The High Court has not held that the respondents were successful in challenging the witnesses' version of events, despite being given the opportunity to do so. The High Court accepts that the said witness (A.D. 2) was cross-examined by the respondents but nevertheless reaches a conclusion different from that of the Tribunal, by selectively overlooking the deficiencies in the

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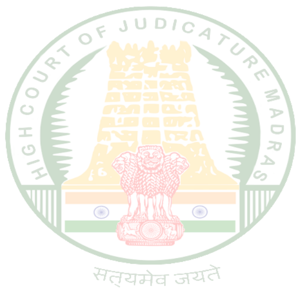
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respondent's case, without any proper reasoning."

(emphasis supplied)

8.1.(a) *In Laxmi Gontiya and another v. Nand Lal Tahalramani and others, 1999 ACJ 241, a Division Bench of the Madhya Pradesh High Court has considered the issue as to whether the non-mentioning of the Registration Number of the offending vehicle is fatal to the claim. In paragraphs 9 and 10 of the judgment, the Court held as follows:*

9. .... Merely because the Registration number, if not mentioned in the First Information Report, testimony of the witnesses cannot be discarded as it is well settled that the First Information Report is not a substantive piece of evidence. It is not an encyclopaedia. The object of First Information Report from the point of view of the informant is to set the criminal law in motion. From the point of view of Investigating Authorities, it is to obtain information about the alleged criminal activity so as to able to take suitable steps for tracing and bringing to book the guilty party. In Kusum Kali v. Bhailal Tiwari, M.A. No. 465 of 1995, decided on 04.11.1996, where the registration number was not mentioned in the First Information Report, this Court has observed that mere non-mention of number in the first information report would not be fatal, if otherwise it is established that the vehicle was involved in the accident.

10. In motor accident cases where the litigant persons are illiterate, if the Tribunal finds that the evidence led is not sufficient to establish the involve-ment of the vehicle which causes the accident, in our opinion, it would be proper for the Tribunal giving a helping hand by directing the party to lead evidence in accordance with the requirement of law, as it is well settled that a Court or Tribunal is not to act as an unpire watching a battle of wits between the parties from a distance through telescope. The Court is charged with the responsibility of guiding the procedure and apprising the parties whenever necessary of their duties. As legal procedure is full of traps; if a litigant happens to stumble, the Courts should discharge its responsibility except when this is the result of an attempt to be clever and over-reach the Court or to do something inequitable to the other side. In the latter event the party concerned should be dealt with severely."

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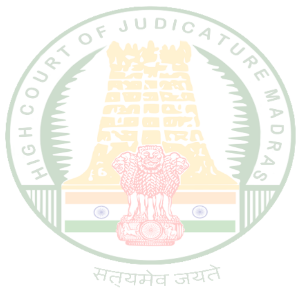
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8.1.(B). *In Raju v. Sardar Singh and another, 2005 (3) ACC 138, the Madhya Pradesh High Court has held that, even in the absence of Registration number in the First Information Report, if there is clear oral evidence that the vehicle was involved in the accident, compensation has to be awarded.*

18. *In the absence of any strong rebuttal evidence to prove that the bus owned by the appellant-Transport Corporation was not involved in the accident, the finding of the Tribunal on the basis of the oral evidence of the respondent/claimant, corroborated by the First Information Report that route number 55K was involved in the accident cannot be termed as perverse. Mere non-mentioning of the Registration Number in the First Information Report is not fatal to the claim. There is preponderance of probability to arrive at a reasonable conclusion that the appellant-Transport Corporation bus was involved in the accident. Courts have always held that strict proof of evidence is not required in Motor Accident cases to prove the negligence of the driver and that technicalities or niceties should not alone waive while assessing the evidence. Therefore, the finding of the Tribunal as regards negligence is confirmed.*

8.1.(E).Ramasamy v. National Insurance Co. Ltd., 2006 SCC OnLine Mad 897

10. *... From these sequence of events, as done by the Tribunal, it has to be naturally concluded that only after the First Information Report was produced before the Tribunal and only after the examination of P.Ws.1 and 2 was over, as an afterthought, the counsel for the respondents before the Tribunal has argued (at the cost of repetition) that neither the name of the driver nor the number of the lorry was found in the First Information Report and the Criminal Case against the driver also*

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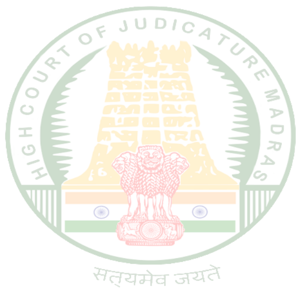
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has been closed and as such, the lorry in question was not at all involved in the accident.

***T**he Supreme Court has reiterated the principle that the insurance company shall not make not contesting in the cae genuine claims in New India Assurance Co. Ltd. v. Kiran Singh & others, 2004 (10) SCC 649 in which a portion of paragraph 6 reads as under:*

> *"Insurance Companies must bear in mind that they are the trustee of the public, keepers of the public coffer. Often, even genuine claims are being hotly contested in a routine manner by dragging the parties to Courts, wasting enormous time and money for the claimants to get their claims settled. An Act like the Motor Vehicles Act, being a beneficial legislation aimed at quick redressal of the victims of accident arising out of the use of motor vehicles, the attitude routinely adopted by the Insurance Companies would render the object of the Act frustrated...."*

***19.**The non-mentioning of the registration number in the First Information Report does not, in the facts of the present case, assume determinative significance. It is well settled that the FIR is not an encyclopaedia of the prosecution case. The subsequent investigation, which helped to identity the vehicle and the driver within a reasonable period of about 15 days, culminating in the filing of the final report, lends adequate assurance to the version of the claimants.*

***20.**Further, it is pertinent to note that the appellant–Insurance Company has not taken any steps to initiate proceedings alleging false implication of the vehicle. The absence of any such action weakens the defence now sought to be raised by the insurance company.*

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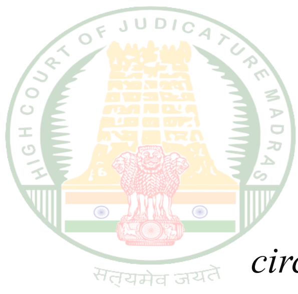
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__21__.In view of the cumulative effect of the above circumstances, this Court is satisfied that the involvement of the insured vehicle has been proved on a balance of probabilities, notwithstanding the initial omission in the FIR. The finding of the Tribunal, therefore, warrants no interference.

__22__.In light of the above principles and the evidence on record, this Court has no hesitation in holding that the involvement of the insured vehicle stands duly established. The finding of the Tribunal in this regard is based on proper appreciation of evidence and does not suffer from perversity warranting interference".

8.15. Accordingly, this Court finds no merit in the submissions advanced by the learned counsel appearing for the appellant–Insurance Company. The finding recorded by the Tribunal regarding the involvement of the offending vehicle and the consequential fastening of liability upon the appellant does not suffer from any legal infirmity warranting interference.

9. **Conclusion**:

In the result, the Civil Miscellaneous Appeal is dismissed, and the award dated 21.09.2021 passed in M.C.O.P. No. 5446 of 2013 by the Motor Accident Claims Tribunal (Special Sub Court), Tiruchirappalli, is hereby confirmed. The appellant–Insurance Company is directed to deposit the entire award amount,

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together with accrued interest and costs, after deducting the amount, if any, already deposited, within a period of **six weeks** from the date of receipt of a copy of this judgment. On such deposit, the claimants are permitted to withdraw their respective shares of the award amount, together with proportionate interest and costs, in terms of the apportionment made by the Tribunal, after due adjustment of any amount already withdrawn. No costs. Consequently, connected miscellaneous petition is closed.

[N.A.V.,J.] & [K.K.R.K.,J.]
25.06.2026

NCC :Yes/No
Index :Yes/No
Internet:Yes/No
dss

To

1.The Motor Accident Claims Tribunal,
Special District Court, Tiruchirappalli.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.

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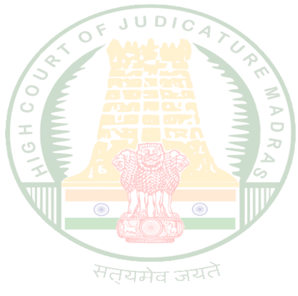

N.ANAND VENKATESH,J.
and
K.K.RAMAKRISHNAN,J.

dss

Judgment made in
C.M.A.(MD).No.54 of 2023
and
CMP(MD)No.651 of 2023

Dated: 25.06.2026

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