2025 INSC 1425

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.14718-14719 OF 2025
(ARISING OUT OF S.L.P. (C) NOS.281-282/2019)

SITHARA N.S. & ORS. ETC. **.... APPELLANTS**

VERSUS

SAI RAM GENERAL INSURANCE COMPANY LIMITED **.... RESPONDENTS**

J U D G M E N T

PRASHANT KUMAR MISHRA, J.

1) Leave granted.

2) These Appeals call in question the common impugned judgment dated 07.06.2018 in MFA Nos.5891/2015 and 5892/2015 (MV) passed by the High Court of Karnataka at Bengaluru, whereby the High Court dismissed the appeals preferred by the present appellants, who are the legal representatives of both the deceased, affirming the order dated 30.04.2015 passed by the Motor Accident Claims Tribunal-VII, at Shimoga, wherein the Tribunal dismissed the claim petitions filed by the present appellants.

FACTUAL MATRIX

3) On 14.08.2013, Sunil Singh and his friend, Shivu, were returning from Honnali on their motorcycle bearing Registration No.KA-14-ED-9828. around 11.30 p.m., when they were proximate to Sugur village,

respondent No.1[1] allegedly drove a canter lorry, bearing Registration No. KA-20-AA-6786, in a rash and negligent manner dashing against their motorcycle. This led to the death of Shivu on the spot and Sunil subsequently succumbing to his injuries in the hospital. The legal representatives of both the deceased filed two separate claim petitions before the Tribunal. M.V.C No.1155/2013 was filed by the legal representatives of deceased Sunil Singh and M.V.C No.1156/2013 was preferred by the legal representatives of deceased Shivu. The Tribunal after careful consideration dismissed both the claim petitions. Aggrieved thereby, the legal representatives/appellants preferred their respective appeals before the High Court, which were also dismissed, noting that the appellants had failed to prove the involvement of the offending vehicle in the alleged accident.

SUBMISSIONS

4) Learned senior counsel for the appellants vehemently contended that the accident on 14.08.2013 resulting in the death of Sunil Singh aged 26 years and Shivu aged 22 years stands proved on preponderance of probabilities. He relied upon FIR No.277/2013, post-mortem reports confirming the death due to haemorrhage from multiple injuries, chargesheet filed against driver of the offending vehicle (respondent No.1) and the oral evidence of P.W.1 to P.W.4.

5) He further contended that the Courts below erred in applying the standard of proof beyond reasonable doubt instead of preponderance of

[1] Vide order dated 02.11.2023, SLPs stood closed against respondent Nos.1 (Driver) and 2 (Owner) of the offending vehicle for non-prosecution. Hence, they were deleted from array of the parties. The only subsisting party is respondent No.3/Sai Ram General lnsurance Company Limited.

probabilities, and contended that the Courts below committed error in rejecting the claim petitions on technical grounds.

6) Strong reliance was placed on the spot *mahazar*, recovery *panchanamas* and inquest *mahazars* conducted by the Police during investigation. These documents conclusively prove the place of accident and establish rash and negligent driving on the part of the driver (respondent No.1). It was further submitted that the driver and the owner of the offending vehicle, despite filing written objections, did not deny the occurrence of the accident and failed to lead any rebuttal evidence to controvert the factum of the accident or the negligence of the driver (respondent No.1).

7) *Per contra,* learned counsel for respondent No.3-Sai Ram General lnsurance Company Limited submitted that proving the involvement of the vehicle and the rash and negligent act is *sine qua non* for maintainability of petition under Section 166 of the Motor Vehicles Act, 1988. It was contended that both the Courts below concurrently held that no evidence exists to show the involvement of the alleged offending vehicle in the accident.

8) It was argued that the appellants must prove three elements under Section 166 of the Motor Vehicles Act, 1988 in order to establish their claim: **(i)** occurrence of accident; **(ii)** involvement of the vehicle; and **(iii)** rash and negligent act of the offending vehicle. In the instant case, only the occurrence is proved, neither involvement nor rash and negligent act have been established.

9) It was submitted that mere filing of chargesheet should not be treated as gospel truth and should only be one factor in preponderance of probability, not the only factor. It was also pointed out that the report dated 05.10.2013 of the Motor Vehicle Inspector does not support the appellants' case.

10) It was further contended that apart from the chargesheet regarding a vehicle recovered after one and a half months after the accident, no evidence exists to establish the involvement of the alleged offending vehicle.

ANALYSIS

11) We have carefully considered the submissions advanced by the learned counsel for both the parties and examined the impugned judgment. While the occurrence of a tragic accident resulting in the untimely demise of two young individuals, Sunil Singh aged 26 years and Shivu aged 22 years, is undisputed, the question that falls for our consideration is whether the High Court has erred in law in holding that the appellants failed to prove the involvement of the alleged offending vehicle.

12) At the outset, we may observe that the findings recorded by the Tribunal and affirmed by the High Court are concurrent findings of fact. This Court in ***Collector Singh vs. L.M.L. Limited, Kanpur***[2] observed that "*Jurisdiction under Article 136 of the Constitution of India is extraordinary and interference with the concurrent findings of fact recorded by the courts below is permissible only in exceptional cases and not as a matter of course.*" It was further observed that this Court may interfere with such concurrent

[2] (2015) 2 SCC 410 (Para 9)

findings where the appreciation of evidence is found to be wholly unsatisfactory or the conclusion drawn from the same is perverse in nature.

13) A perusal of the record reveals that the Tribunal, after meticulously examining the evidence, identified serious infirmities and material contradictions in the testimonies of the witnesses. The Tribunal recorded that P.W.1 (Parashuram Singh), who is appellant No.2 in the first Appeal, presented a self-contradictory testimony. He claimed on one hand to have learnt about the accident from the Police, while on the other stating that he came to know about it from the witnesses. He admitted in cross-examination that he is a complete stranger to P.W.3 (Lokesh) and P.W.4 (Ravi), the alleged witnesses to the incident. He further admitted that neither he nor his children were present at the time of the accident and that he did not visit the spot.

14) P.W.2 (Parmesh), who is appellant No.1 in the second Appeal, admitted that he did not witness the accident himself and had no specific information that the alleged canter lorry was involved, stating this only on the basis of what the Police told him. The High Court, in the impugned judgment, concurred with these findings and observed that both, P.W.1 and P.W.2, being the star witnesses of the appellants, were unsure as to how the accident occurred and were equally unsure about the involvement of the alleged offending vehicle.

15) The Tribunal observed that the testimony of P.W.3 (Lokesh) and P.W.4 (Ravi), claiming that respondent No.1 voluntarily approached them and confessed to causing the accident while revealing the registration numbers of both vehicles, is inherently improbable and contrary to normal human

conduct. The Tribunal noted that both witnesses materially contradicted their examination-in-chief during cross-examination, with P.W.3 admitting he did not know who caused the accident and P.W.4 admitting he did not know which vehicle was involved. We find that these findings of fact are based on proper appreciation of evidence and do not suffer from any perversity.

16) This Court is conscious of the settled legal position that in cases of motor vehicle accidents, the standard of proof required is that of preponderance of probabilities. It is also well settled that the absence of vehicle registration number in the FIR or complaint lodged immediately after the accident is not, by itself, fatal to the claim. An FIR is not an encyclopedia and omissions at the initial stage may not be determinative. However, the claimants must establish the specific identity of the vehicle/driver, with the caveat that the connection of the accident with the said vehicle must be established through cogent and reliable evidence.

17) However, in the present case, the omission of the vehicle registration number in the complaint cannot be viewed in isolation, but in conjunction with other infirmities in the evidence. The complaint merely states that a vehicular accident occurred without identifying the offending vehicle. The spot *mahazar* was admittedly prepared several days after the accident. In absence of any eyewitness to the accident, there is nothing to indicate the basis upon which it was drawn up or whose statement formed its foundation.

18) Most significantly, the report dated 05.10.2013 of the Motor Vehicle Inspector reveals no damage whatsoever to the alleged offending vehicle. A

circumstance that is wholly inconsistent with a collision of such severity as to cause the death of two persons. This report provides no basis for the claim, and the fact that the chargesheet filed after the vehicle was recovered one and a half months post-accident raises concerns about the reliability of the evidence.

19) We are deeply conscious of the tragic loss suffered by the families of the deceased. The pain of losing young lives in their prime is immeasurable. However, the principles of law cannot be set aside on the grounds of sympathy alone. Liability under the Motor Vehicles Act must be established through credible evidence. The Courts below have found, after scrutinizing the evidence, that the appellants failed to prove the involvement of the offending vehicle driven by respondent No.1. We find no perversity in the appreciation of evidence, nor exceptional circumstances warranting interference with these concurrent findings.

20) Thus, the present Appeals lack merit and are hereby dismissed. No orders as to costs.

.....J.
(SANJAY KAROL)

.....J.
(PRASHANT KUMAR MISHRA)

NEW DELHI;
DECEMBER 12, 2025.