



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO(s). _____ OF 2026
(Arising out of the SLP (C) No(s) 10565/2025)**

MANJU SINGH

...APPELLANT (S)

VERSUS

AVINASH SINGH & ORS.

...RESPONDENT (S)

WITH

**CIVIL APPEAL NO(s). _____ OF 2026
(arising out of SLP (C) No(s). 33538/2025)**

WITH

**CIVIL APPEAL NO(s). _____ OF 2026
(arising out of SLP (C) No(s). 33539/2025)**

J U D G M E N T

SANJAY KAROL, J.

1. Leave granted.

2. These appeals arise out of a common judgment and order dated 28.08.2024 passed by the High Court of Judicature at Allahabad whereby the High Court affirmed the Awards passed by the Motor Accident Claims Tribunal, Jalaun at Orai, dismissing the claim petitions filed by the appellants under Section 166 of the Motor Vehicles Act, 1988.

3. Since all the appeals arise out of the same accident; involve common questions of fact and law; and challenge the similar judgment of the High Court, they are being disposed of by this common judgment.

4. The accident occurred on 30.01.2002 at about 10:00 p.m. A Maruti Car bearing Registration No. UP-92A-2223 was proceeding from Allahabad towards Orai on the Allahabad-Kanpur Road. The vehicle was being driven by Mata Prasad and was occupied by Ajeet Singh, Roop Singh and Dr. Dileep Kumar Katiyar (PW-2).

5. Near Police Station Sarsaul, the said vehicle met with an accident -- a collision with a tanker bearing Registration No. UP-81E-6258 being driven by Vinod Kumar. The impact of the collision was severe. Mata Prasad, Ajeet Singh and Roop Singh succumbed to the injuries, whereas Dr. Dileep Kumar Katiyar survived but suffered grievous injuries.

6. The legal representatives of the deceased persons instituted separate claim petitions under Section 166 of the Motor Vehicles Act, 1988 seeking compensation for the untimely deaths of the deceased who were the sole breadwinners of their respective families.

7. It is not in dispute that all three deceased were teachers by profession and were earning as under:

Name	Monthly Income
Mata Prasad	Rs.10,071/-
Ajeet Singh	Rs.10,345/-
Roop Singh	Rs.9,708/-

8. Certain foundational facts recorded by the Tribunal were never challenged by any of the respondents and have attained finality. These include:

- (i) the deaths of the three occupants were caused as a result of the accident in question;
- (ii) the drivers of both vehicles possessed valid and effective driving licences;
- (iii) the tanker was duly insured on the date of the accident; and
- (iv) the claimants are the legal heirs of the deceased persons and dependent upon them for the purpose of income.

9. The case of the claimants throughout has been that the accident occurred solely due to the rash and negligent driving of the tanker and that the driver of the Maruti Car was not negligent.

10. The respondents, however, contended that the tanker was stationary on the left side of the road, halted as its conductor had to attend the call of nature. According to them, the Maruti Car was being driven rashly and negligently on the wrong side of the road, resulting into a collision with the stationary tanker.

11. The Tribunal accepted the defence version and dismissed the claim petitions under Section 166 of the Act, but awarded claim towards 'no fault liability'. The Tribunal primarily relied upon photographs marked as Exhibits 3 and 4, depicting that the tanker was parked on the left side of the road whereas the Maruti Car coming from the opposite end was being driven on the wrong side.

12. Challenging the concurrent findings recorded by the Courts below, the present appeals stand preferred.

13. The principal question that arises for consideration is whether the Courts below were justified in holding the driver of the Maruti Car solely responsible for the accident and consequently denying compensation to the claimants under Section 166 of the Motor Vehicles Act, 1988.

14. Before proceeding to examine the evidence-on-record, it is necessary to reiterate the well-settled standard of proof applicable to motor accident claim proceedings. It is firmly established that the standard of proof in proceedings before a Motor Accident Claims Tribunal is one of preponderance of probabilities¹ and not proof

¹ *In Sithara N.S. & Ors. vs. Sai Ram General Insurance Company Limited (2025) SCC OnLine SC 2793*

“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.”

In Prabhavathi & Ors. vs. The Managing Director, Bangalore Metropolitan, Transport Corporation (2025) SCC OnLine SC 455

13. It is the settled law that under the Motor Vehicle Act, 1988 it is established that in compensation cases, the strict rules of evidence used in criminal trials do not apply. Instead, the standard of proof is based on the preponderance of probability. This Court in *Sunita v. Rajasthan SRTC (2020) 13 SCC 468* observed that:

“22. It is thus well settled that in motor accident claim cases, once the foundational fact, namely, the actual occurrence of the accident, has been established, then the Tribunal's role would be to calculate the quantum of just compensation if the accident had taken place by reason of negligence of the driver of a motor vehicle and, while doing so, the Tribunal would not be strictly bound by the pleadings of the parties. Notably, while deciding cases arising out of motor vehicle accidents, the standard of proof to be borne in mind must be of preponderance of probability and not the strict standard of proof beyond all reasonable doubt which is followed in criminal cases.”

The exposition came to be reiterated in Rajwati alias Ra-jjo & Ors. v. United India Insurance Company Ltd. & Ors. (2022) SCC OnLine SC 1699, wherein it was observed that :

beyond reasonable doubt, as is required in criminal trials. The Tribunal is not a criminal Court and must not import the stringency of the criminal standard while evaluating civil liability arising out of motor accidents. The evidence-on-record must, therefore, be appreciated in a pragmatic manner keeping in view the object and purpose of the Motor Vehicles Act, 1988. In this context, we have the testimony of the tanker driver (DW-1), who claimed that the tanker was stationary on the extreme left side of the road and that the Maruti car hit it rashly and negligently. However, when we juxtapose his version with that of PW-2, Dr. Dileep Kumar Katiyar, the only surviving injured eyewitness, we find the latter to be more believable and worthy of credence. PW-2 categorically deposed that the Maruti car was being driven at a controlled speed on its correct side and was hit by the tanker coming from the opposite direction at high speed. What is particularly significant is the conduct of the Respondents following the accident.

“20. It is well settled that Motor Vehicles Act, 1988 is a beneficial piece of legislation and as such, while dealing with compensation cases, once the actual occurrence of the accident has been established, the Tribunal's role would be to award just and fair compensation. As held by this Court in Sunita (Supra) and Kusum Lata (Supra), strict rules of evidence as applicable in a criminal trial, are not applicable in motor accident compensation cases, i.e., to say, “the standard of proof to be borne in mind must be of preponderance of probability and not the strict standard of proof beyond all reasonable doubt which is followed in criminal cases”.

Neither the tanker driver (DW-1) nor the owner (DW-2) lodged a formal FIR regarding the occurrence, a fact, *prima facie*, indicative of their guilt. While the driver (DW-1) claimed to have given "oral information" at the police station, but contrarily admits to have immediately left the scene to inform his employer. The owner (DW-2) admitted in his testimony that he only arrived at the accident spot at 8:00 AM the following morning—more than 10 hours after the event—to take photographs. DW-2 further admitted that he "*had not given information*" to the police, choosing only to inform his insurance company. It is not the respondents' case that they took the injured to the hospital or remained at the spot to assist in the preliminary investigation, which further diminishes the trustworthiness of their version.

15. Having carefully considered the material available on record, we find that the courts below committed a serious error in placing decisive reliance upon the photographs produced as Exhibits 3 and 4.

16. Admittedly, the photographs were not taken immediately after the accident. They were taken at about 8:00 a.m. on the following day, nearly ten to twelve hours after its occurrence. Such photographs cannot be treated as an accurate representation of the position of the vehicles at the time of impact / accident.

17. More importantly, the photographs were admittedly produced by the owner of the tanker (DW-2). During his deposition, he acknowledged that the photographs had been got prepared and developed by him. The circumstances in which the photographs were taken and produced render them inherently suspect and incapable of forming the sole basis for determining negligence. It is not the case that the police got the photographs clicked as part of investigations.

18. The conduct of the tanker driver immediately after the accident also assumes significance. Instead of informing the police, he first contacted the owner of the tanker who, thereafter, visited the spot and arranged on his own, for the photographs to be taken. Such conduct raises serious doubt regarding the credibility of the defence version.

19. Furthermore, the photographs neither depict the entire width of the road nor do they establish that the tanker was parked safely off the carriageway. On the contrary, they indicate that the tanker was standing on the main road itself.

20. The possibility that the position of the vehicles may have changed before the photographs were taken cannot be ruled out, particularly when the photographs were taken after a considerable lapse of time.

21. We are, therefore, unable to accept the conclusion of the Courts below, that Exhibits 3 and 4 conclusively establish negligence on the part of the driver of the Maruti Car.

22. In contrast, the testimony of PW-2 Dr. Dileep Kumar Katiyar, the sole surviving occupant of the Maruti Car and an injured eyewitness, inspires confidence. His presence at the spot is undisputed. Being an injured witness, his testimony carries greater evidentiary value and ordinarily deserves due weight unless strong reasons exist for discarding it. He has categorically deposed that the Maruti Car was being driven on its correct side of the road at a normal speed and that the tanker which came from the opposite direction, collided with the car. He further stated that the driver of the Maruti Car made every possible effort to avert the accident.

23. We find no material contradiction, embellishment or inconsistency in his testimony. The Courts below erred in discarding his evidence while accepting the testimony of an interested witnesses produced by the respondents.

24. Another circumstance which assumes significance is that the entire defence case rested on the assertion that the tanker had been stopped because its conductor had gone away to attend the call of nature. Surprisingly, the conductor, who was the most material witness

to substantiate this defence, was never produced before the Tribunal. No explanation whatsoever was offered for his non-production. An adverse inference must, therefore, be drawn against the respondents for withholding the best available evidence. Even assuming that the tanker was stationary at the time of accident, the respondents have failed to establish that the vehicle was parked, taking due care and caution. The accident occurred at about 10:00 p.m. during the month of January. There is neither any pleading nor any evidence to show that the tanker had switched on the parking lights, hazard indicators, reflective signs or any warning mechanism to alert approaching vehicles. Parking a heavy vehicle on a public road at night, without an adequate warning signal, as is in the present case, constitutes negligence in itself. Such conduct creates a foreseeable risk to other road users.

25. The principle of *res ipsa loquitur* (the thing speaks for itself) also becomes applicable in the facts of the present case. Once it is shown that a heavy vehicle was left standing on the roadway at night without adequate warning signs and a collision occurred, the burden shifts upon the respondents to establish that all reasonable precautions had been taken. The respondents have failed to discharge that burden.

26. It is also an admitted position that upon investigation the police filed a charge-sheet against the tanker driver Vinod Kumar for offences punishable under Sections 279, 338 and 304A of the Indian Penal Code. Though a charge-sheet by itself is not a conclusive proof of negligence, it remains a relevant circumstance and lends support to the version advanced by the claimants.

27. Upon a cumulative assessment of the entire evidence and applying the test of preponderance of probabilities, we are satisfied that:

- (i) the testimony of PW-2 is reliable and trustworthy;
- (ii) Exhibits 3 and 4 do not constitute dependable evidence for determining negligence;
- (iii) the defence version remains unsubstantiated due to non-production of the conductor;
- (iv) the tanker was not shown to have been parked in a safe manner; and
- (v) the charge-sheet filed against the tanker driver corroborates the claimants' case.

28. We are, therefore, of the considered view that the concurrent findings recorded by the Tribunal and affirmed by the High Court are perverse and unsustainable in law.

29. The accident is held to have occurred due to the rash and negligent driving of the tanker bearing Registration No. UP-81E-6258.

30. Consequently, the claimants are entitled to compensation under Section 166 of the Motor Vehicles Act, 1988.

31. Since the Tribunal and the High Court have dismissed the claim petitions solely on the ground of negligence and no proper determination of compensation was undertaken in accordance with the principles laid down by this Court in *Sarla Verma v. Delhi Transport Corporation*² and *National Insurance Co. Ltd. v. Pranay Sethi*³, we are inclined to award compensation in the following terms :

Chart in SLP (C) No. 10565/2025

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.10,345/-	
Yearly Income	Rs.1,24,140/-	
Future Prospects (50%), age 35 years	1,24,140+ 62,070/- = Rs. 1,86,210/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 42 & 59.4</i>
Deduction (1/3 rd)	1,86,210 -62070= Rs.1,24,140/-	
Multiplier (16)	1,24,140 x 16= Rs. 19,86,240/-	

² (2009) 6 SCC 121

³ (2017) 16 SCC 680

Loss of Income/Future Earnings due to Disability	Rs. 19,86,240/-	
Loss of Consortium	44000 x 2 = 88,000/-	
Loss of Estate	Rs. 18,500/-	
Funeral Expenses	Rs. 18,500/-	
TOTAL	Rs. 21,11,240/-	
Already Received (Sec 140)	21,11,240 – 50,000= Rs 20,61,240/-	
Interest @9% upto 22/02/2026 (24 year 2 months 27 days)	20,61,240 x0.09x24.2422(24 year 2 months 27 days) = Rs. 44,97,209.30/-	
Final Amount	20,61,240 + 44,97,209.30 = Rs 65,58,449.30/-	

Chart in SLP (C) No. 33539/2025

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.10,071/-	
Yearly Income	Rs.1,20,852/-	
Future Prospects (15%), age 52 years	1,20,852 +18,127.80= Rs.1,38,979.80/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 & 59.4
Deduction (1/4th) Multiplier (16)	1,38,979.80 – 34,744.95 =1,04,234.85/-	
Multiplier (11)	1,04,234.85 x 11= Rs.11,46,583.35/-	
Loss of Income/Future Earnings due to Disability	Rs.11,46,583.35/-	
Loss of Consortium	44000 x 4 = 1,76,000/-	

Loss of Estate	Rs. 18,500/-	
Funeral Expenses	Rs. 18,500/-	
TOTAL	Rs. 13,59,583.35/-	
Less	13,59,583.35- 50,000= Rs.13,09,583.35/-	
Interest @9% upto 22.04.2026 (24 years 2 months 27 days)	13,09,583.35x0.09x24.2422 =28,57,246.33/-	
Final Amount	13,09,583.35+ 28,57,246.33 = Rs. 41,66,829.68/-	

Chart in SLP (C) No. 33538/2025

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.9,708/-	
Yearly Income	Rs.1,16,496/-	
Future Prospects (15%), age 56 years	1,16,496 + 17,474.40= Rs.1,33,970.40/-	National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 Para 42 & 59.4
Deduction (1/4 th)	1,33,970.40 – 33,492.60 =Rs.1,00,477.80/-	
Multiplier (9)	1,00,477.80 x 9= Rs.9,04,300.20/-	
Loss of Income/Future Earnings due to Disability	Rs. 9,04,300.20/-	
Loss of Consortium	44000 x 5 = 2,20,000/-	
Loss of Estate	Rs. 18,500/-	
Funeral Expenses	Rs. 18,500/-	
TOTAL	Rs.11,61,300.20/-	
Less	11,61,300.20 -50,000 = Rs. 11,11,300.20/-	
Interest @9% upto	11,11,300.20 x 0.09x 24.2442 = Rs.24,24,832.58/-	

22/02/2026(24 years 2 months 27 days)	
Final Amount	11,61,300.20 + 24,24,832.58 = Rs. 35,36,132.78/-

32. Accordingly, the impugned judgment dated 28.08.2024 passed by the High Court of Judicature at Allahabad and the Awards passed by the Motor Accident Claims Tribunal, Jalaun at Orai are set aside.

33. Upon such determination, the entire awarded amount shall be deposited by the respondent-Insurance Company within a period of eight weeks.

34. The claimants shall be entitled to interest at the rate of 6% per annum from the date of filing of the claim petitions until realization.

35. The amount of Rs.50,000/- as awarded by the Tribunal, if already paid under Section 140 of the Motor Vehicles Act, shall be adjusted against the final compensation payable.

36. The amount be directly remitted into the bank account of the claimants. The particulars of the bank account are to be immediately supplied by the learned counsel for the appellants to the learned counsel for the respondents. The amount be remitted positively within a period of eight weeks thereafter.

37. The respondent-Insurance Company shall alone satisfy the award in accordance with law.
38. The appeals are accordingly allowed in the aforesaid terms.
39. Pending applications, if any, shall stand disposed of.

.....J.
(SANJAY KAROL)

.....J.
(VIPUL M. PANCHOLI)

New Delhi
July 13, 2026