



Non-Reportable

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

Civil Appeal No.5172 of 2025

Rajamma & Ors.

...Appellants

Versus

**M/s. Reliance General
Insurance Co. Ltd. & Anr.**

...Respondents

JUDGMENT

K. VINOD CHANDRAN, J.

1. The appellants are the claimants who impugn the judgement of the High Court rejecting the claim petition, after reversing the award of the Tribunal. The claimants alleged that the only breadwinner of their family, the husband of the first appellant, died in a hit and run road accident, which fortunately was witnessed by a close associate of the family; a neighbour. The dead body of the victim was abandoned by the driver of the offending vehicle, who on the pretext of

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taking the victim to the hospital left him at a far-off place. PW1 is the wife of the deceased and PW2 was the eyewitness proffered by the claimants; both examined before the Tribunal.

2. The Tribunal noticed the objection raised by the insurance company regarding the fraud played by the claimants. It was contended that the alleged offending vehicle was not at all involved in the accident. The driver and the owner of the vehicle were set ex-parte. The Tribunal held that there was no rebuttal evidence brought in by the insurance company as against the testimony of PW2, the eyewitness. RW1, an officer of the insurance company had merely raised an objection in his testimony, which though pleaded cannot be believed, since he was not an eyewitness. The insurance company was further faulted for not having examined the driver of the offending vehicle. The contention regarding the delay in registration of FIR was brushed aside on the ground that the FIR was first registered at a Police Station without jurisdiction, which was later transferred to the jurisdictional Police Station; the delay having occurred in the transfer

alone. The objection of the insurance company having been rejected, the Tribunal went ahead and awarded an amount of Rs.16,02,000/- to the claimants. The insurer appealed against the award in which the High Court reversed the findings and held that the accident as also the involvement of the vehicle was not proved.

3. The complaint was filed alleging that the accident occurred on 18.06.2014 at 12 am at Singasandra crossroad. Actually, the accident occurred at 12 pm as spoken of by the witnesses and the time recorded in the complaint obviously is a typographical error. However, the fact remains that the High Court specifically noticed that the death of the accused, as per the intimation of death given by the family, by Ext.P13, is on 20.06.2014. Ext.P-13 was a document produced and marked by the claimants through PW1, which is the obsequies ceremony card.

4. According to PW1, she was informed of the accident in which her husband was involved, by PW2. PW1 deposed that she went in search of her husband in various hospitals and later was informed of a dead body lying abandoned, at a

place, quite distant from the scene of occurrence. She is said to have taken the body from the lorry stand in front of the BTL College to the hospital, where her husband was declared brought dead. An FIR is said to have been lodged on 19.06.2014 in the Hebbogodi Police Station. Serious objection was raised regarding the said FIR registered at that Police Station which did not have any jurisdiction, which FIR was claimed to have been transferred to the jurisdictional Police Station i.e. Electronic City Traffic Police Station after 117 days.

5. If the FIR is registered on the basis of the accident or on the detection of the abandoned body, then it should have been registered in a Police Station having jurisdiction over either of the two locations. In the present case, PW1 had categorically stated that she was informed of the accident by PW2, in which event the location was clearly known to PW1 and the FIR ought to have been registered at the Electronic City Traffic Police Station itself in the first instance. There is no explanation as to why the FIR was registered in the Hebbogodi Police Station nor was any police personnel examined before the Tribunal, to substantiate the case of a

proper FIR alleging a motor vehicle accident having been registered within time and with the jurisdictional Police Station.

6. It is on preponderance of probabilities that the proof of accident is looked at in a motor accidents claim. An FIR registered as against the driver of the offending vehicle can be relied on to find the accident having been caused by the driver of the offending vehicle, that too by his rash and negligent driving as reported at the first instance. However, the preponderance of probabilities that arise from such an FIR registered would not have the same probity if there is a valid suspicion raised on the registration of the FIR and the falsity of the claim being clearly discernible from the evidence led itself.

7. As has been rightly found by the High Court, the testimony of PW2 is unbelievable. PW2 deposed that she was running a wayside fruit shop near the scene of occurrence; which has not been established by any document, like the licence issued from the local authority, in which event she is deemed to be a chance witness, subject to strict scrutiny.

Further, her testimony is that, having witnessed the accident, she came running and saw that her neighbour was the victim. She immediately realised that the victim's daughter was studying in a nearby school, to which school she proceeded, to bring the daughter who was studying in the 7th standard to the spot. By the time she came back with the daughter, she deposed in her chief examination, the vehicle had disappeared and so had the victim. However, she also stated in chief examination that the number of the vehicle was noted by herself and the daughter of the victim. The said statement is quite contrary to the assertion that by the time PW2 came back with the daughter, the offending vehicle and the victim had disappeared. The daughter of the victim was also not examined.

8. The High Court had listed out the reasons to reject the application from (a) to (f) in paragraph 8 of its judgment. We find ourselves to be in full agreement with the said reasoning except the defect in the FIR regarding the time, which we have already observed, could as well be a typographical error. We are also informed that in the criminal case the

driver of the vehicle stood acquitted, as evidenced by the certified copy of the judgment produced by the Insurance Company before this Court. PW2 who was examined as PW4 did not identify the driver. We have already found that the testimony of PW4 is not trustworthy.

9. We find absolutely no reason to interfere in the appeal and the same is dismissed.

10. Pending application(s), if any, shall stand disposed of.

..... J.
(K. VINOD CHANDRAN)

..... J.
(N. V. ANJARIA)

NEW DELHI;
SEPTEMBER 26, 2025.