

(2026) 02 GUJ CK 1664
In the Gujarat High Court
Case No : R/First Appeal No. 1712 Of 2022

Oriental Insurance Company Limited

APPELLANT

Vs

Yunus Mahammad Yusuf Makrani & Ors

RESPONDENT

Date of Decision : 18-02-2026

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2026) 02 GUJ CK 1664

Hon'ble Judges : Hasmukh D. Suthar, J

Bench : Single Bench

Advocate : Vibhuti Nanavati, Rathin P Raval, Karna H Dhomse

Final Decision : Dismissed

Judgement

Hasmukh D. Suthar, J

1. This appeal has been preferred by the appellant–Insurance Company against the judgment and award dated 06.09.2021 passed by the Motor Accident Claims Tribunal (Aux.), Vadodara, in MACP No.913 of 2009.

2. Heard learned advocates for the respective parties.

3. The brief facts of the case are that on 18.09.2016, at about 5:30 a.m., within the jurisdiction of Alirajpur Police Station, an accident occurred involving Tractor-Trolley Nos. MP-45 AA-1163 and MP-45 AA-1167 owned by Opponent No.4. At the relevant time, the deceased, Mohammad Zafar Mohammadyusuf Makrani, was working as a driver. Due to the rash and negligent driving of Opponent No.3, the deceased sustained grievous injuries and died on the spot.

4. The learned advocate for the appellant has submitted that the learned Tribunal failed to appreciate that the registration numbers of the tractor bearing No. MP-45-AA-1166 and the trolley bearing No. MP-45-AA-1167 were not mentioned in the FIR as well as in the panchnama. It is further submitted that the learned Tribunal ought to have appreciated that the tractor and the trolley are two

different types of vehicles, and therefore, it is improbable that both vehicles would bear consecutive registration numbers in the same series. The learned advocate has also contended that the learned Tribunal materially erred in placing reliance upon the contents of the charge-sheet, despite the fact that, as per the judgment of the learned JMFC, Alirajpur (Exh. 72), the prosecution failed to establish the involvement of the said tractor-trolley in the alleged accident. The witnesses were unable to identify the vehicle, and it was found that the so-called witnesses were not even present at the place of the alleged accident. Consequently, the learned criminal Court acquitted the driver of the tractor-trolley in question. Therefore, the present appeal deserves to be allowed.

5. On the contrary, learned advocate appearing for the respondents have strongly opposed the appeal and submitted that the learned Tribunal has rightly awarded just and proper compensation in view of the evidence available on record. It was contended that the judgment and award passed by the Tribunal are based on proper appreciation of evidence, and hence, no interference is called for. Accordingly, it was prayed that the appeal be dismissed.

6. On perusal of the record, it appears that the appeal has been preferred mainly on the ground of involvement of the vehicle. It is the contention of the appellant that in the criminal case before the learned Judicial Magistrate First Class, Alirajpur, the evidence led by the parties indicates that the vehicle in question was not involved in the accident and that it has been falsely implicated only with a view to claim compensation.

7. It appears that the learned Tribunal, however, has duly considered the evidence on record and, relying upon the decision in Pankaj Chandubhai Patel v. Bharat Transport Corporation, 1998 (2) TAC 883, came to the conclusion that the tractor bearing No. MP-45-AA-1166 and trolley bearing No. MP-45-AA-1167 were insured with The Oriental Insurance Company and that the name of the owner as well as the description of the said vehicles were duly mentioned in the insurance policy. Once the said vehicle was admittedly insured with the appellant Insurance Company and the coverage of the policy at the relevant time is not in dispute, the defence raised by the Insurance Company regarding registration particulars and alleged false implication of the vehicle cannot be accepted.

8. So far as the contention regarding involvement of the vehicle is concerned, it has come on record that during the course of investigation, the registration numbers of the tractor and trolley were disclosed. Further, as per the evidence produced at Exhibit 70, the statement of witness Surpal Bhurlabhilal specifically discloses the registration number of the vehicle. Considering the aforesaid evidence, the learned Tribunal has rightly held that the tractor-trolley in question was involved in the accident. Moreover, the trolley was attached to the tractor, and therefore, both form part of the same vehicle combination. In this regard, reference may be made to Royal Sundaram v. Smt. Honnamma, AIR 2025 SC 2641.

9. It is also well settled that the findings recorded by the criminal court are not binding upon the Tribunal. The evidence led before the criminal court cannot be treated as conclusive for deciding a claim petition under the Motor Vehicles Act. In this regard, reference may be made to *Chamundeshwari Devi*, (2021) 18 SCC 516 and *Jana Bai, Wd/o Dinkarrao Ghorpade & Ors. v. ICICI Lombard Insurance Company Ltd.*, (2022) 10 SCC 512, wherein the Court has held as under:

“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 No. 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.”

10. In view of the settled legal position and the evidence available on record, this Court is of the opinion that the learned Tribunal has not committed any error in holding that the tractor-trolley in question was involved in the accident and in fastening the liability upon the present appellant – Insurance Company.

11. On overall appreciation of the evidence on record, the compensation awarded by the learned Tribunal appears to be just and proper, which calls for no interference by this Court. Accordingly, the appeal, being devoid of merits, deserves dismissal and is hereby dismissed. If any amount is lying deposited before this Court, the same shall be transmitted to the learned Tribunal forthwith. No order as to costs. The Registry is directed to return the Record & Proceedings, if any, to the learned Tribunal forthwith.