2026 INSC 541

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(ARISING OUT OF SLP (C) NO. 3585 OF 2023)

RAJ KUMAR DAS (D) THR. LRS. ...APPELLANT(S)

VERSUS

NATIONAL INSURANCE CO. LTD. ...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. The present appeal arises out of the final judgment and order passed by the High Court at Calcutta dated 27.09.2022, whereby the High Court affirmed the dismissal of claim petition filed by the original claimant, the injured, under Section 163A of Motor Vehicles Act, 1988[1] seeking compensation for injuries resulting in permanent disability allegedly sustained in an accident dated 21.05.2004.
3. The facts giving rise to the present appeal are as follows:

   3.1. On 21.05.2004, at 05:00 p.m., the original claimant-Raj Kumar Das after getting down from a

[1] Hereinafter referred to as " the Act"

rickshaw near Mondalpara Bus Stop, was allegedly knocked down by a lorry bearing registration No. WB-41-3999. He lost consciousness and sustained injuries and thereafter underwent medical treatment. He was ultimately diagnosed with traumatic paraplegia, leading to permanent disablement.

3.2. He instituted a claim case being MACC No. 49/2005 (subsequently renumbered as MACC 163/2007) seeking compensation to the tune of Rs. 3,50,000/- on 09.02.2005 under Section 163A of the Act before the Motor Accident Claims Tribunal[2].

3.3. The Tribunal, *vide* an order dated 11.09.2007, dismissed the claim petition on the ground that he had failed to prove that the injuries sustained were a result of the alleged accident.

3.4. Aggrieved, the original claimant filed FMA No. 1056/2009 before the High Court assailing the above order.

3.5. The High Court, *vide* the impugned order dated 27.09.2022, dismissed the appeal and affirmed the order of the Tribunal observing that the discrepancies in the record were glaring, and factum of the accident did not stand proved.

[2] In short, "Tribunal"

4. During the pendency of the proceedings, the original claimant expired and is now represented by his legal representatives.
5. We have heard learned counsel for the parties. After giving due consideration to the material placed on record and submissions advanced on behalf of the parties, this Court finds that the concurrent findings of the courts below cannot be sustained and warrant interference.
6. The Courts below have denied the claim of the original claimant on the ground that the occurrence of accident itself was not established. They relied on certain discrepancies in the record to hold that the involvement of the offending vehicle remained unproved in the accident.
7. The question for consideration before us is not whether every detail of the occurrence stands proved with precision, but whether the material on record reasonably establishes that the injuries sustained by the original claimant arose out of the accident in question.
8. At the outset, we would like to reiterate that the nature of proceedings under the Act are summary in nature, with an aim to provide expeditious justice. It is a settled position of law that a claim petition is to be decided on the touchstone of preponderance of probability and not proof beyond reasonable doubt.

Further in a claim under Section 163A, the enquiry is narrower still, for negligence is not required to be proved, and it is sufficient that the injury is reasonably connected with the motor vehicle in question.

9. It follows that discrepancies which do not go to the root of the occurrence cannot defeat a claim. The Court must differentiate between contradictions that render the accident improbable and those that merely reflect imperfections in documentation. It is in this framework that the evidence needs to be appreciated.

10. This Court in ***Mathew Alexander v. Mohammed Shafi & Anr***.[3] noted the following:

> *"12... A holistic view of the evidence has to be taken into consideration by the Tribunal and strict proof of an accident caused by a particular vehicle in a particular manner need not be established by the claimants. The claimants have to establish their case on the touchstone of preponderance of probabilities. The standard of proof beyond reasonable doubt cannot be applied while considering the petition seeking compensation on account of death or injury in a road traffic accident. To the same effect is the observation made by this Court in Dulcina Fernandes vs. Joaquim Xavier Cruz,*

[3] (2023) 13 SCC 510.

(2013) 10 SCC 646 which has referred to the aforesaid judgment in Bimla Devi."

11. Both the High Court and the Tribunal have relied on the MRI Report of the original claimant which records an entry namely 'fall from lorry' to deny the factum of the accident. The original claimant has consistently deposed that it was after he got down from the rickshaw and while he was paying the fare, the lorry which was being driven in a negligent manner struck him causing loss of consciousness. The FIR and the chargesheet record the same. Even in the cross-examination, he specifically denied having fallen from the lorry.
12. It is a regular practice that medical history recorded at the time of emergency treatment is ordinarily based on information supplied by attendants and its only function is to facilitate the diagnosis. Such a narration of facts cannot be treated as a precise reconstruction of the mechanics of the accident. The FIR, chargesheet and the original claimant's own testimony indicate that he was hit by the lorry after he had got down from the rickshaw. The isolated wording in the history column cannot displace the cumulative evidentiary record.
13. The delay in lodging the FIR was also relied upon by the Courts to cast doubt on the claim. Even the precedent relied upon by the High Court itself notes

that the delay in filing FIR cannot be a ground to doubt the original claimant's case.[4] It is natural that in cases involving grievous injuries, priority is given to securing medical treatment rather than attending to legal formalities. The record indicates that the original claimant remained under continuous treatment and was frequently hospitalised until 17.09.2004, whereas the FIR came to be registered on 08.08.2004. In circumstances such as this, delay in approaching the police cannot by itself lead to an inference that the accident did not occur, more so when the investigation culminated in a chargesheet attributing negligent driving to the lorry.

14. The High Court also noted the variation in the registration number of the vehicle in original claimant's evidence. In his statement, he submitted that the vehicle was bearing registration No. WB-41-2999. On the other hand, in the FIR, the chargesheet, and also in the claim petition, the vehicle registration number was uniformly recorded as WB-41-3999. High Court's observation in this regard that the above statements do not corroborate each other, is unsustainable. An isolated error in the oral testimony, particularly where the original claimant is asked to recall events after having suffered serious injuries,

[4] Ravi v. Badrinarayan, (2011) 4 SCC 693.

cannot outweigh contemporaneous documentary consistency.

15. The High Court also observed that certain hospital receipts did not fully correspond with the original claimant's narration of treatment. Such variations in the sequence or particulars of medical bills cannot by itself discredit the occurrence of the accident. Medical documents primarily establish the fact and extent of injury and the course of treatment and are not expected to reproduce the original claimant's testimony in precise detail. So long as the records consistently indicate hospitalisation and treatment for traumatic paraplegia, minor inconsistencies in dates or individual receipts do not render the claim unreliable nor detract from the established disability. The High Court was not justified in treating these discrepancies as casting doubt on the occurrence of the accident; at most, they relate to the course of treatment.

16. Another issue for consideration was that no independent witnesses were examined by the original claimant to corroborate the accident. This being a case where the original claimant has himself deposed to the occurrence and his testimony has not been shaken in cross-examination, his claim cannot be rejected solely for want of additional evidence. This Court in ***Sunita and others v. Rajasthan State Road Transport***

Corporation and others[5] made an observation in this regard:

> *"34. …The approach in examining the evidence in accident claim cases is not to find fault with non-examination of some 'best' eyewitness in the case but to analyse the evidence already on record to ascertain whether that is sufficient to answer the matters in issue on the touchstone of preponderance of probability…"*

17. Each of the above discussed discrepancies was treated as fatal by the courts below. However, a claim under the Act is to be assessed on cumulative probabilities. When considered together with the police investigation, medical evidence and consistent narrative across documents, the irregularities relied upon are not of material significance so as to altogether render the occurrence improbable. In treating these discrepancies as determinative, the courts below applied a higher threshold of standard of proof beyond reasonable doubt rather than that of a probability under this welfare legislation.
18. The Court cannot be unmindful to the situation that the claimant was placed in after the accident. The evidence shows that he was engaged as a labourer in a brick field prior to the occurrence of the accident.

[5] (2020) 13 SCC 486.

Upon suffering permanent paralysis, he was rendered incapable of pursuing his occupation, resulting in a complete loss of his earning capacity. In such circumstances, denying his claim for compensation despite the accident being established on a balance of probabilities would undermine the very protective purpose which the statute provides for.

19. Before moving to the question of compensation, it is necessary to reiterate that adjudication under the Act must not adopt a hyper-technical approach. While procedural requirements and evidentiary rules serve an important purpose, their application cannot be so mechanical as to elevate minor inconsistencies into major hurdles. Each claim must be examined in the context of its own facts and surrounding circumstances. When the overall material establishes the accident and resulting injuries, trivial errors ought not to defeat the substantive relief. The adjudicatory process must remain sensitive to the practical realities in which accident victims approach the Tribunal. Victims of accidents are seldom in a position to procure precise documents or give a coherent narration of the events that led to the accident while they are undergoing treatment. The absence of perfect proof cannot be a ground to deny compensation under a welfare statute.

20. The accident is of the year 2004 and claim has been pending for over two decades. The material necessary for computation, namely the age, income and extent of disability, is already available on record and does require any further evidence. A remand at this stage would only prolong the proceedings and defer the relief to which the claimant's legal representatives have become entitled. In order to secure finality and avoid further hardship, this Court considers it appropriate to determine the compensation in these proceedings itself.

21. It is true that the claim petition was filed under Section 163A of the Act, which at the relevant time provided for a no-fault liability framework, with compensation to be calculated as per the structured formula provided in the Second Schedule of the Act. However, this Court cannot lose sight of the fact that the amounts contemplated therein, particularly having regard to the passage of time and subsequent evolution of the law governing just compensation, would not adequately recompense a victim who suffered 100% permanent disability. This Court has repeatedly noticed the inadequacies and defects in the said Schedule. A three-judge bench of this Court in ***U.P. State Road Transport Corporation v. Trilok Chandra***,[6] this Court observed that the calculation of

[6] (1996) 4 SCC 362.

compensation under the Second Schedule "*suffer[s] from several defects*" and that the Table "*abounds in such mistakes*", and therefore could only be used as a guide. Again in ***National Insurance Co. Ltd. v. Pranay Sethi,***[7] it has been emphasized that the compensation must remain fair, realistic and commensurate with the actual loss suffered.

22. In the facts of the present case, negligence of the offending vehicle also stands borne out from the investigation on record as also the statement made by the claimant himself. The claimant was a 37-year-old brick-field labourer and the sole earning member of his family. He suffered 100% permanent disability, rendering him incapacitated for the rest of his life. He finally passed away during the pendency of the proceedings, leaving behind his wife and children. The Court cannot ignore that the claimant may not have invoked the provision best suited to the nature of the claim. However, such lack of legal awareness cannot by itself operate to deny them just compensation once the foundational facts stand established.

23. The Court also cannot lose sight of the realities in which such claims are pursued. Families of accident victims often approach the legal process without adequate legal assistance or awareness of the technical

[7] (2017) 16 SCC 680

distinctions between different provisions of the Act. This Act being a welfare legislation, we have to look past the technical requirements of the procedure.

24. After much deliberation, we have come to the conclusion that strict confinement to Section 163A (under the old provision) would not serve the interests of justice. Therefore, in exercise of our jurisdiction under Article 142 of the Constitution, we deem it appropriate to determine compensation by drawing guidance from the principles evolved by this Court in claims arising under Section 166 of the Act.

25. We make it clear that the above course has been adopted keeping in view the peculiar facts of the present case and shall not be treated as a precedent.

26. The principles governing determination of compensation are well settled. The claimant was aged 37 years at the time of the accident and suffered from 100% disability. Applying the principles laid down in ***Sarla Verma***[8] and ***Pranay Sethi***,[9] the compensation is calculated as follows:

[8] Sarla Verma & Ors. v. DTC & Anr. (2009) 6 SCC 121.
[9] Supra note 7.

Head	Calculation	Amount (in Rs.)
Income	-	2,500
Future Prospects	40% of 2500	1,000
Annual income	3,500 X 12	42,000
Multiplier	42,000 X 15	6,30,000
Loss of Earning Capacity	6,30,000 X 100%	6,30,000
Mental agony, pain and suffering	-	2,00,000
Loss of amenities	-	1,00,000
Attendant charges	-	3,60,000
Transportation and Medical Expenses (including future)	-	2,00,000
Total	-	**14,90,000**

Accordingly, the compensation payable is assessed at Rs. 14,90,000/- (Rupees Fourteen Lakhs Ninety Thousand only).

27. The appellants have also placed on record a computation claiming Rs.36,90,000/- as compensation. The same is not adopted, and the compensation is determined independently in accordance with the settled principles governing such assessment.

28. In view of the above discussion, the judgments of the MACT and the High Court are set aside. The

respondent–insurer shall deposit the sum of Rs. 14,90,000/- (Rupees Fourteen Lakhs Ninety Thousand only) together with interest at the rate of 6% from the date of filing the claim, within three months from the date of this order before the MACT. Upon such deposit, the amount shall be forthwith released to the legal representatives of the original claimant in accordance with law by the MACT.

29. The appeal stands allowed.

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

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

NEW DELHI
MAY 25, 2026