IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 16th OF NOVEMBER, 2026

MISC. APPEAL No. 2915 of 2022

CNR No.: MPHC010336212022

MANAGER SHRIRAM GENERAL INSURANCE CO. LTD.

Versus

SMT. RAJJU RAJE AND OTHERS

Appearance:

Shri Tejvinder Singh Lamba - Advocate for the appellant-Insurance Company.

Shri Manoj Kumar Mishra - Advocate for the respondents No.1 to 5.

ORDER

This miscellaneous appeal under Section 173(1) of the Motor Vehicles Act, 1988, is filed by the insurance company being aggrieved of the award dated 31.03.2022 passed by the learned Fourth Additional Motor Accident Claims Tribunal, Sagar (M.P.) in MACC No.159/2019 (*Smt. Rajju Raje and others Vs. Rajendra and others*), on the ground that the accident took place on 15.08.2018 at about 8:00 p.m. The deceased is one Jitendra Singh. Merg was recorded on 16.08.2018 at 12:15 a.m., vide Ex.P-3, wherein it is mentioned that the accident took place with an unknown truck.

2. It is submitted that the seizure of the vehicle is dated 24.10.2018. It is also submitted that the insurance company had examined its officer, namely, Shri Bhawani Shankar, Law Officer, Shriram General Insurance Company

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Ltd., at its Regional Office, Indore, who has proved the investigation report given by one Shri Surendra Gupta. Thus, it is submitted that since Shri Surendra Gupta had enclosed copies of newspaper clippings in which it is mentioned that the accident took place when the deceased Jitendra Singh Parmar had come in contact with a stray animal on the road, it is submitted that it is a case of implant.

3. Shri Manoj Mishra, learned counsel for the claimants, in his turn, supports the impugned award and submits that no interference is called for in the same.

4. After hearing learned counsel for the parties and going through the record, Investigation report is available on record as Ex.D-1. It is only a single page report. It does not make mention of any of the facts of the accident. This report only says that the investigator had obtained papers pertaining to criminal case and had enclosed them along with the report. He had also enclosed two newspaper clippings along with the report. Shri Bhawani Shankar has not been able to point out that as to how this report helps the insurance company to prove its case of implant. There is no explanation as to why the investigator, Shri Surendra Gupta, was not examined to prove his report. There is no explanation as to why the complete report of the investigator was not filed by the insurance company. On the contrary, the claimants have examined the eye-witness, namely, Shri Rajkumar, who has proved the factum of the accident.

5. As far as newspaper reports are concerned, the Hon'ble Supreme Court in the case of **Ghanshyam Upadhyay Vs State of Uttar Pradesh and others,**

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(2020) 16 SCC 811, has held in paragraphs 6 and 7 as under:-

"6. As noted, the entire basis for making the allegations as contained in the miscellaneous petition is an article relied on by the petitioner said to have been published in the newspaper. There is no other material on record to confirm the truth or otherwise of the statement made in the newspaper. In our view this Court will have to be very circumspect while accepting such contentions based only on certain newspaper reports. This Court in a series of decisions has repeatedly held that the newspaper item without any further proof is of no evidentiary value. The said principle laid down has thereafter been taken note in several public interest litigations to reject the allegations contained in the petition supported by newspaper report.

7. It would be appropriate to notice the decision in **Kushum Lata v. Union of India, (2006) 6 SCC 180**, wherein it is observed thus : (SCC p. 186, para 17)

"17. … It is also noticed that the petitions are based on newspaper reports without any attempt to verify their authenticity. As observed by this Court in several cases, newspaper reports do not constitute evidence. A petition based on unconfirmed news reports, without verifying their authenticity should not normally be entertained. As noted above, such petitions do not provide any basis for verifying the correctness of statements made and information given in the petition."

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6. When this aspect is taken into consideration, it is evident that an unconfirmed newspaper report, without any verification of its authenticity, should not normally be relied upon. In the present case, the insurance company did not bother to adduce the evidence of the news reporter to establish from where he gathered this information and whether the information was authentic. Thus, as the insurance company's main plank is based on newspaper reports, which are unsubstantiated, I am of the opinion that no indulgence can be shown in the matter.

7. When these facts are taken into consideration that the insurance company's counsel, in cross-examination of Rajkumar, obtained an admission in regard to the accident along with number of the truck, there is no effective cross-examination on Shri Rajkumar. Moreover, considering the negligence of the officers of the insurance company in not producing the complete investigation report, coupled with the fact that Ex.D-1 is incomplete, sketchy and devoid of any details, the insurance company cannot be allowed to take advantage of their own fault in not adducing proper evidence and not examining the Investigating Officer of the case, so also not examining the Investigator, when tested, I am of the opinion that no party can be allowed to take advantage of its own negligence. Therefore, the appeal deserves to fail and is hereby dismissed.

8. The insurance company shall bear the cost of this litigation for the claimants, which is quantified at **Rs.10,000/- (Rupees Ten Thousand only)**. The record of the learned Claims Tribunal be sent back.

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(VIVEK AGARWAL)
JUDGE

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