

Dated: September 10, 2026

ORDER

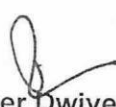
While enclosing herewith a pdf copy of **Judgment/Order dated 20.04.2026** passed by **Hon'ble High Court of Judicature at Allahabad in First Appeal From Order No. 1692 of 2021 titled Magma Hdi General Insurance Co. Ltd. Vs. Manju and 6 others**, vide **Hon'ble High Court's Letter No. 11714/Admin. G-II/Allahabad Dated 05.09.2026**, it has been communicated that during the course of hearing of aforesaid case, **Hon'ble Court** has observed that it is settled law that in the case of Motor Accident Claim cases, the appreciation of evidence is to be done on the basis of preponderance of probabilities, whereas in criminal trial, the prosecution has to prove its case beyond reasonable doubt. Hence, appreciation of evidence has to be liberally construed on the basis of preponderance of probabilities. The **Hon'ble Court** has also observed that it is also settled law that finding in civil proceeding is binding on criminal proceedings, whereas vice-versa it is not.

Hon'ble Court has further directed that all the Tribunals of Motor Accident Claims in the State of U.P. to take all details of Bank accounts of the claimants, if major in their names, and if minor, through their guardians within thirty days from filing of the claim petition before the learned Tribunal. The account must be opened where facility of RTGS/NEFT is available and instructions to communicate the directions of **Order/judgement dated 20.04.2026** passed by the **Hon'ble High Court** in the aforementioned case to all the Judicial Officers working under supervision and Administrative control of undersigned for information and strict compliance has been provided.

II. In compliance of **Hon'ble Court's** above directions, following order is being passed with immediate effect:

- (a) The System Officer is directed to provide a soft/pdf copy of **Order/judgment dated 20.04.2026** passed by the **Hon'ble High Court** in the aforementioned case as well as **Hon'ble High Court's Letter No. 11714/Admin G-II/Allahabad Dated 05.09.2026** to all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.
- (b) A hard-copy of above mentioned Order dated **20.04.2026** passed by the **Hon'ble High Court** in the aforementioned case as well as **Hon'ble High Court's Letter No. 11714/Admin G-II/Allahabad Dated 05.09.2026** be also circulated among all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.
- (c) In compliance of order/judgement dated 12.08.2025 passed by **Hon'ble High Court** in **Crl. Misc. Application u/s 528 BNSS No. 6400 of 2025 titled Smt. Bacchi Devi Vs State of UP And Another**, a meeting of all Judicial Officers of the Judgeship is convened on **16.09.2026 at 4.35 PM**, in the **Meeting Hall**, situated at the II-Floor of Newly constructed 24-Court Room Building of District Court Prayagraj for discussion and deliberation regarding compliance of **order/Judgement dated 20.04.2026** passed by **Hon'ble High Court of Judicature at Allahabad in First Appeal From Order No. 1692 of 2021 titled Magma Hdi General Insurance Co. Ltd. Vs. Manju and 6 others**. All the Judicial Officers of the Judgeship are directed to participate in the said meeting.

Inform all concerned for strict compliance.


(Divaker Dwivedi)

Incharge District Judge
Prayagraj.

Dated: September 10, 2026



Through e-mail

From,

Manjeet Singh Sheoran, HJS
Registrar General
High Court of Judicature
at Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

No. 11714 /Admin G-II/Allahabad

Dated 05/09/2026

Sub: Regarding compliance of Order dated 20.04.2026 passed by this Hon'ble Court in
First Appeal From Order No. 1692 of 2021, *Magma Hdi General Insurance Co Ltd.*
Vs *Manju and 6 others.*

Madam/Sir,

During the course of hearing of aforesaid case, Hon'ble Court, vide order dated 20.04.2026 (**pdf copy enclosed**) has observed that it is settled law that in the case of Motor Accident Claim cases, the appreciation of evidence is to be done on the basis of preponderance of probabilities, whereas in criminal trial, the prosecution has to prove its case beyond reasonable doubt. Hence, appreciation of evidence has to be liberally construed on the basis of preponderance of probabilities. The Court has also observed that it is also settled law that finding in civil proceeding is binding on criminal proceedings, whereas vice-versa it is not.

The Court has further directed that all the Tribunals of Motor Accident Claims in the State of U.P. to take all details of Bank accounts of the claimants, if major in their names, and if minor, through their guardians within thirty days from filing of the claim petition before the learned Tribunal. The account must be opened where facility of RTGS/NEFT is available.

In this regard, I am directed by Hon'ble Court to send the **pdf** copy of aforesaid order dated 20.04.2026 to your goodself for onward circulation of the same amongst all the Judicial Officers of your judgeship for information and strict compliance.

With Regards,

Encl:- As above

Yours faithfully,

Am 1.9.26
Registrar General

No. /Admin G-II/Allahabad

Dated / /2026

Copy forwarded to the Director, Judicial Training & Research Institute, Lucknow for information.

Registrar General



HIGH COURT OF JUDICATURE AT ALLAHABAD

FIRST APPEAL FROM ORDER No. - 1692 of 2021

Magma Hdi General Insurance Co Ltd

.....Appellant(s)

Versus

Manju And 6 Others

.....Respondent(s)

Counsel for Appellant(s) : Rahul Sahai

Counsel for Respondent(s) : Abhishek Mishra, Ajay Singh, Ashok Kumar

Court No. - 39

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellant and the learned counsel for claimants/respondent nos. 1 to 5.

2. Learned counsel for the appellant-Insurance Company has submitted that the FIR of the said incident was registered against motorcycle No. UP70-Q-9537, whereas charge sheet has been filed against vehicle No. UP-77Q-9537. He further submitted that the alleged eye witness PW-2, Guru Prasad is not the witness in the list of witnesses of the charge sheet. He further submitted that Guru Prasad had also filed a claim petition before the same Motor Accident Claims Tribunal and counsel of this claim petition and his counsel are the same. He further stated that involvement of vehicle UP-77Q-9537 is in serious doubt and alleged eye witness PW-2 Guru Prasad is not a valid and competent eye witness and that could not be treated as reliable and admissible in evidence.

3. Before the learned Tribunal, the appellant/Insurance Company has also produced his witness as DW-1 with this report that PW-2 Guru Prasad has provided a written note to him that he had not recorded any statement before court of law on oath. Learned Tribunal has held that when cross-examination took place with DW-1, the Investigator, then he admitted that he had not visited at the place of incident for recording of statement. His assistant had gone to record the statement, who is DW-2.

4. In view thereof, the learned Tribunal had ordered that proceedings under Section 340 Cr.P.C has to be initiated against the Investigator

Officer in separate proceeding.

5. The basis raised by learned counsel for the appellant, prima facie that Guru Prasad was not eye witness and basis is report of Investigator, whereas the Investigator's deposition before the learned Tribunal is contrary to his report. He admitted that he had not visited at the place for recording statement of eye witness PW-2 Guru Prasad. Hence, very much defence taken by the Insurance Company is itself came under scanner. Whereas, no final finding could be given at this stage.

6. It is settled law that in the case of Motor Accident Claim cases, the appreciation of evidence is to be done on the basis of preponderance of probabilities, whereas in criminal trial, the prosecution has to prove its case beyond reasonable doubt. Hence, appreciation of evidence has to be liberally construed on the basis of preponderance of probabilities.

7. It is also settled law that the finding in civil proceeding is binding on criminal proceedings, whereas vice-versa it is not. The deceased died in the year 2017 as date of incident is 23.3.2017. After filing of complete evidences by the Insurance Company, the claim petition was decided on merit on 15.9.2021. Thereafter, the present appeal has been filed before this Court.

8. The claim petition has been filed by the respondent nos. 1 to 5 being claimants, who are respectively, respondent no.1-Manju (wife of deceased), respondent no.2-Utkarsh (minor son), respondent no.3-Saksham Rao (minor son), respondent no.4-Prabbhunath (father of deceased) and Ishraji (mother of deceased).

9. The present claim petition has been allowed and the appellant/Insurance Company has been directed to pay an amount of Rs. 1,27,91,010/- from the date of filing of the claim petition i.e. 3.5.2017 till actual date of payment alongwith interest at the rate of 7% per annum. Learned Tribunal has further directed that each of the claimants would be entitled to 20-20% of the awarded compensation.

10. This Court had passed an order on 29.10.2021 which is as follows:-

"Admit.

Issue notice to the respondents returnable at an early date.

Steps be taken within ten days by both ways i.e. ordinary process as well as registered post AD.

Subject to the deposit of the entire awarded money along with interest, the effect and operation of the award dated 15.09.2021 passed by the M.A.C.T., Jaunpur shall be kept in abeyance.

The question of release of the deposited amount would be considered after the respondents put in appearance.

Let this matter be posted on the date fixed in the notice."

11. Since, thereafter, none of the amount has been released in favour of any of the claimant, though it has been deposited before the learned Tribunal as informed by the learned counsel for the appellant/Insurance Company.

12. After consideration of entire facts and circumstances of the case and with due consideration that the deceased had died in 2017 and since then, no amount of any compensation has been received by the claimants, the claimants/respondent nos. 1 to 5 are directed to open their respective separate accounts within fifteen days from today in any Nationalized Bank, where facility of RTGS/NEFT is available.

13. The respondent nos. 1 to 5/claimants are also hereby directed to provide details of their respective accounts as mentioned herein above to the learned Tribunal within thirty days from today. After submission of complete details of accounts before the learned Tribunal, the learned Tribunal is directed to release only 20% amount alongwith interest out of the total deposited amount and transfer the same in the ratio of 4-4% each out of 20-20% from the deposited amount alongwith interest directly in the accounts of claimants separately by passing an order to the concerned Bank that out of the amount deposited in the accounts of Tribunal, 4-4-% each be transferred into the accounts of claimants/respondent nos. 1 to 5 as per this order. The amount must be transferred within a period of fifteen days after submission of details of

accounts by the respondent nos. 1 to 5 before the learned Tribunal.

14. Learned Tribunal is expected and directed to transfer the awarded amount as directed by this order, by passing a judicial order that said amount be directly transferred in the accounts of claimants to avoid any multiplicity of proceedings or any manipulation committed by any person.

15. A compliance report has to be sent to this Court by the learned Tribunal prior to next date of listing.

16. It is also directed that this Tribunal, who has passed the award as well as all the Tribunals of Motor Accident Claims in the State of U.P. are directed to take all details of Bank accounts of the claimants, if major in their names, and if minor, through their guardians within thirty days from filing of the claim petition before the learned Tribunal. The account must be opened where facility of RTGS/NEFT is available.

17. The trial court record is already received.

18. List this matter for final hearing on 26.5.2026.

19. Registrar (Compliance) is directed to send a copy of this order by E-mail to all the District and Sessions Judge of the State of U.P. as well as all Presiding Officers, MACT for perusal and compliance.

(Abdul Shahid,J.)

April 20, 2026
sfa/