

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

FAO (MV) No.212 of 2014

Date of Decision: 19.08.2026

Amar Nath

...Appellant

Versus

Vinod Kumar & Ors.

.....Respondents

Coram:

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?

For the Appellant : Mr. Surya Chauhan, Advocate.

For the Respondents : Mr. Peeyush Bhardwaj, Advocate,
vice Mr. Amit Singh Chandel,
Advocate, for respondents No.1
and 2.

Mr. Praneet Gupta, Advocate,
for respondent No.3.

Virender Singh, Judge (Oral):

Appellant-Amar Nath, has filed the present appeal, under Section 173 of the Motor Vehicles Act, (hereinafter referred to as the 'M.V. Act'), against the award dated 28.02.2013, passed by the learned Motor Accident Claims Tribunal, Bilaspur, District Bilaspur, H.P., (hereinafter referred to as 'the Tribunal'), in MAC Petition No.74 of 2010, titled as Amar Nath versus Vinod Kumar and others.

2. By virtue of award dated 28.02.2013, the learned Tribunal has partly allowed the claim petition, filed by the appellant, under Section 166 of the of the M.V. Act, by awarding a sum of Rs.7500/-, along with interest @ 7.5% per annum, from the date of filing of the petition, till the amount is deposited.

3. For the sake of convenience, the parties to the present lis, are hereinafter referred to, in the same manner, as were, referred to, by the learned Tribunal.

4. Brief facts, leading to the filing of the present appeal, before this Court, as borne out from the record may be summed up, as under:-

4.1. Petitioner-Amar Nath, has filed the petition, under Section 166 of the M.V. Act, against the respondents, being driver, owner and insurer of vehicle No.HP-24B-0210, (hereinafter referred to as 'the offending vehicle').

4.2. According to the petitioner, on 04.08.2010, he was on his way to Nangal, in Bolero Pick-up No.HP-69-1402, which is owned by his wife and driven by his son Rajeev Kumar. When, they reached near village Dadwal,

on National Highway-21, in the meanwhile, the offending vehicle, being driven by respondent No.1, reached there from opposite direction. The driver was driving the offending vehicle, in a rash and negligent manner and hit the vehicle, in which, the petitioner was traveling. Consequently, the petitioner has sustained injuries. Thereafter, he was taken to PHC, Swarghat, where, first aid was given to him and he was referred to Zonal Hospital, Bilaspur, where, plaster was fixed, on his arm. Thereafter, he had attended hospital, on various dates.

5. On the basis of the above facts, a prayer has been made to sought the compensation.

6. When, put to notice, claim petition was contested, by the respondents. Respondents No.1 and 2 had filed their joint reply, by taking the preliminary objections, qua the fact that, the petition is not maintainable; petitioner has not disclosed true and material facts; and the petition is bad for non-joinder and mis-joinder of necessary parties.

6.1. On merits, the factum of accident has impliedly been admitted, by pleading, that a false case has been

lodged, against respondent No.1. They had tried to shift the burden, upon the driver of vehicle No.HP-69-1402, by pleading that the accident in question had taken place, due to the rash and negligent driving of the said vehicle. Other contents have been denied.

6.2. Insurance Company, in its separate reply, has taken the preliminary objections, that the petition is not maintainable; petitioner has no cause of action; the driver of the offending vehicle was not having valid and effective license; petition is bad for non-joinder and mis-joinder of necessary parties.

7. From the pleadings of the parties, the following issues were framed by the learned Tribunal, vide order dated 18.07.2011:-

(1) Whether the petitioner sustained injuries in a motor vehicle accident which took place on 4.8.2010 near village Badwal, District Bilaspur, H.P. due to rash and negligent driving of offending vehicle i.e. Truck No.HP-24B—0210, being driven by its driver Vinod Kumar, respondent No.1?...OPP.

(2) If issue No.1 supra is proved in affirmative, to what amount of compensation, the petitioner is entitled and from which of the respondents? ...OPP.

(3) Whether the offending vehicle was being driven without valid documents i.e. R.C., Route Permit, fitness certificate and insurance etc? ...OPR-3.

(4) Whether the driver of the offending vehicle i.e. respondent No.1 was not holding valid and effective driving licence to drive the offending vehicle at the relevant time, as alleged? ...OPR-3.

(5) Whether the driver of the Jeep No.HP-69-1402 was also liable for contributory negligence, as alleged? OPR-3.

(6) Whether the present petition is bad for non-joinder and mis-joinder of necessary parties? ...OPR-3.

(7) Relief.

9. Thereafter, the parties to the lis were directed to adduce evidence. After closure of the evidence, the learned Tribunal has allowed the claim petition, by awarding a sum of Rs.7500/- along with interest @ 7.5% per annum from the date of filing of the petition, till realization of the whole amount. The ultimate liability to pay the amount of compensation has been fastened, upon the Insurance Company.

10. Feeling aggrieved from the said order, only the petitioner has filed the appeal, before this Court, with the prayer to enhance the amount of compensation, which has been awarded to him.

11. The award has not been challenged, by the respondents. In this case, petitioner has taken a plea that in the said accident, he had sustained injuries, resulting into disability, which, as per the certificate Ex.PW-1/A, is 50% permanent in nature. According to the petitioner, the said disability has not been taken into consideration, by the learned Tribunal, while assessing the amount of compensation.

12. Per contra, it has been pointed out by Mr. Praneet Gupta, Advocate, appearing for respondent No.3- Insurance Company that the doctor, who has proved the certificate Ex.PW-1/A, in his cross examination, has categorically admitted that the said disability has not arisen from the injuries, sustained in the accident and the same is result of old injuries.

13. In such situation, the said certificate has rightly not been taken into consideration by the learned Tribunal.

14. In the present case, except the bald statement of PW-1, the petitioner has not examined any doctor, who had treated him, nor, any document has been annexed, with the petition to demonstrate that due to injury, he

could not earn his livelihood or remained under treatment. Although, the claim petition is being decided, on the touch stone of preponderance of probability by the learned Tribunal, but, this does not mean that mere pleadings, not supported by evidence, would be taken as gospel truth. In the absence of any evidence, qua treatment or loss of earnings, learned Tribunal has rightly assessed the quantum of compensation.

15. Consequently, there is no occasion for this Court to interfere with the well reasoned award passed by the learned Tribunal, the appeal is accordingly dismissed.

16. However, keeping in view the facts and circumstances, there shall be no order, so as to costs.

17. Pending application(s) if any, are also disposed of.

18. Record be sent back.

(Virender Singh)
Judge

August 19, 2026
(subhash)