

2026:PHHC:097948



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-1302-2002

Judgment reserved on :02.07.2026

Judgment pronounced on 15.07.2026

KULWANT SINGH

... APPELLANT

VERSUS

PUNJAB ROADWAYS AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Bhumika, Advocate for
Mr. Akshay Mittal, Advocate
for the appellant.

Dr. D.S. Lamba, Addl. A.G., Punjab.

Mr. Kashish Nanda, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No. 5.

Mr. Rajneesh Malhotra, Advocate
for respondent No. 6-Inurnace Company.

PARMOD GOYAL, J.

1. Present appeal has been preferred by injured-appellant-claimant being aggrieved by the award dated 20.07.2001 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as '**Tribunal**'), whereby his claim petition filed under Section 166 of the Motor Vehicles Act, 1988 seeking compensation was dismissed.

2. In his claim petition, the appellant pleaded that on 10.02.1994, at about 8:45 a.m., he was coming from the Gobindgarh side and, upon reaching the G.T. Road near Village Allour (Khanna), the offending vehicle No. PB-12A-

9731, being driven by respondent-driver in a rash and negligent manner and at a high speed, came from the Ludhiana side and struck against truck bearing registration No. PIC-6575, which was being unloaded by the appellant-claimant. As a result of the impact caused by the offending bus, the truck turned turtle, causing multiple injuries to the appellant-claimant. He was immediately taken to Rajindera Hospital, Patiala, where he remained admitted and under treatment for about one month. He suffered multiple injuries including a fracture on his right leg. On these averments, the appellant-claimant sought compensation of Rs. 3,00,000/- along with interest from the respondents.

3. Respondent Nos. 1 to 3 contested the claim petition by filing a written statement, wherein they pleaded that the accident had occurred solely due to the negligence of the appellant-claimant, who was allegedly driving truck bearing registration No. PIC-8575 in a rash and negligent manner. It was further averred that an FIR under Sections 279, 337, 338 and 427 Indian Penal Code, 1860 was registered against the appellant-claimant at the instance of the driver of the vehicle. It was also admitted by respondent Nos. 1 to 3 that the offending bus was not covered under any valid insurance policy on the date of the accident.

4. The learned Tribunal disbelieved the evidence led by the appellant-claimant and concluded that he had failed to establish that the accident had occurred due to the rash and negligent driving of the bus by respondent-driver.

5. In order to prove the rash and negligence driving of respondent - driver, the appellant-claimant himself stepped into the witness box and had also examined eye-witness Prakash Singh as PW-2. In his examination-in-chief, the appellant-claimant reiterated the manner of the occurrence as pleaded in the claim petition. He deposed that at the time of the accident, the truck was

stationary and was being unloaded, and that he was standing on the side of the truck when the offending bus struck it, resulting in injuries to him.

6. However, during his cross-examination, the appellant-claimant gave an altogether different version. He stated that he was coming from Paonta Sahib and, upon reaching near the Octroi Post on G.T. Road, Khanna, found the left side of the road blocked due to an accident. Consequently, he drove the truck onto the right side of the road, where the bus coming from the opposite direction collided with the truck, causing it to turn turtle and resultant injuries to him.

7. The learned Tribunal rightly took note of the material contradictions in the appellant-claimant's version. While, in the claim petition as well as in his examination-in-chief, the appellant-claimant asserted that the truck was stationary and goods were being unloaded at the time of the accident. However, in his cross-examination he claimed that while driving the truck had taken it to the right side of the road due to the blockage on the left side. These two versions are mutually destructive and materially inconsistent with each other.

8. In the present case, the factum of the accident is not in dispute. The specific case set up by the respondents is that the accident occurred solely due to the rash and negligent driving of the appellant-claimant, who had taken the truck onto the wrong side of the road. It is also not disputed that an FIR under Sections 279, 337, 338 and 427 of the Indian Penal Code, 1860 was registered against the claimant. The manner in which the accident occurred, as recorded in the said FIR, was reiterated by the driver of the offending vehicle while appearing as RW-1. He categorically deposed that the accident had taken place solely on account of the negligence of the appellant-claimant.

9. Significantly, during his cross-examination, the appellant-claimant himself admitted that he had driven the truck onto the right side of the road, which was meant for traffic coming from the opposite direction. Although he attempted to justify his conduct by stating that the left side of the road was blocked due to an earlier accident, however, no independent evidence has been produced to substantiate this assertion or to establish that there existed any compelling circumstance necessitating such deviation. There is also no evidence to show that traffic was being regulated by the police or that permission had been granted to use the wrong side of the road.

10. In the absence of any corroborative evidence, the self-serving statement of the appellant-claimant is insufficient to hold that the left side of the road was, in fact, blocked. Even assuming that there was some obstruction on the correct side of the road, it was incumbent upon the appellant-claimant to exercise much higher degree of care and caution while driving on the carriageway meant for incoming traffic. The material on record does not indicate that such care was exercised.

11. It is also noteworthy that the earliest version of the occurrence available on record is the one embodied in the FIR registered against the appellant-claimant, wherein he was attributed negligence. The claimant has not placed any material on record to show that he had lodged any protest against the registration of the FIR or had approached the higher police authorities seeking correction of the version recorded therein. This circumstance also lends support to the case set up by the respondents.

12. In view of the facts and circumstances of the present case, the manner of occurrence as narrated by PW-1 itself indicates that the appellant-

claimant was rash and negligent in driving his truck, as he had taken the same onto the wrong side of the road, i.e. the right side, which was meant for vehicles coming from the opposite direction. I find no infirmity or illegality in the conclusion arrived at by the learned Tribunal.

13. Accordingly, the finding recorded by the learned Tribunal on Issue No. 1 is upheld. It is held that the appellant-claimant himself was responsible for the accident on account of his rash and negligent driving and, therefore, he is not entitled to claim any compensation under Section 166 of the Motor Vehicles Act, 1988. Thus, the claim petition was rightly dismissed by the learned Tribunal.

14. Consequently, the present appeal, being devoid of merit, is dismissed.

15. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

15.07.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No