

2026:PHHC:124499



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1) FAO-2763-2005

Judgment reserved on :26.08.2026

Judgment pronounced on 03.09.2026

MANJEET KAUR & ORS.

... APPELLANTS

VERSUS

RAMESH CHAND & ORS.

...RESPONDENTS

(2) FAO-2764-2005

HARLEEN KAUR BEDI AND ORS.

... APPELLANTS

VERSUS

RAMESH CHAND & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Parul Mittal, Advocate and
Ms. Neha Rani, Advocate
for the appellants.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for respondent No. 3.

PARMOD GOYAL, J.

1. Present appeals have been filed by the appellants-claimants being aggrieved by award dated 19.02.2005 passed by learned Motor Accidents Claims Tribunal, Faridabad (hereinafter referred to as '**Tribunal**') for enhancement of compensation. Since the present appeals have arisen from common impugned award passed by learned Tribunal vide which two claim petitions preferred on account of motor vehicular accident dated 03.06.2002

caused by rash and negligent driving of respondent-driver while driving truck bearing registration No.RJ-14G-1053, were decided and dispute involved in both the appeals are more or less identical, hence, they are being decided by way of this common judgment. Gist of appeals being decided is as under:-

Sr. No.	Case title before the MACT	MACT Case No. / Appeal No.	Claim pertains to/claim by	Compensation awarded by the Tribunal
1.	Smt. Manjeet Kaur and others Vs. Shri Ramesh Chand and others	MACT No. 135 of 2002/FAO No.2763 of 2005	Compensation for death of Narender Singh/by Wife and children (2)	Rs. 50,000/-
2.	Smt. Harleen Kaur Bedi and others Vs. Shri Ramesh Chand and others	MACT No.137 of 2002/FAO No.2764 of 2005	Compensation for death of Jasjeet Singh/by wife, children (2) and mother	Rs.50,000/-

2. Brief facts relevant to the present lis are that on 03.06.2002 offending vehicle loaded with stone slates was parked on the road in front of house no.928, Sector 29, Faridabad for unloading the stone slates. Narender Singh Banuna, Jasjeet Singh Bedi and Mohd. Sabar (deceased) were in the offending truck for unloading the stone slates. Consequently, the respondent driver started the offending truck with heavy jerk and applied back gear without notice and without blowing horn. Resultantly the stone slates fell down with heavy force on the occupants of the offending vehicle.

3. Accident as well as involvement of offending truck was denied by respondent Nos. 1 and 2. FIR was stated to be false. Respondent N. 3 also denied its liability on the ground that it is not liable as driver-owner had breached the terms of Insurance Policy.

4. From the pleadings of the parties following issues were framed:
- i. Whether the accident in question on 03.06.2002 in the area of sector 29, Faridabad took place due to rash and negligent driving of truck no. RJ-14G-1053 by respondent no.1? OPP*
 - ii. Whether the claimants are legal heirs of deceased? OPP*
 - iii. If issues no. 1 & 2 are proved to what amount of compensation claimants are entitled to and from whom? OPP*
 - iv. Whether the respondent no.1 was not holding a valid and effective driving licence at the time of accident and as such respondent no. 3 is not liable to make the payment of compensation. If any? OPR3*
 - v. Relief*
5. Learned Tribunal, while deciding Issue No. 1, had found that deceased Narender Singh Banuna, Jasjeet Singh Bedi and Mohd. Sabar had died as a result of injuries sustained in the accident/incident involving truck No. RJ-14G-1053. However, the learned Tribunal had held that the claimants had failed to establish that the accident had occurred due to rash and negligent driving of the said truck by respondent-driver. Consequently, the learned Tribunal awarded compensation of Rs.50,000/- in the respective claim petitions under no-fault liability.
6. The appellants-claimants, in their respective claim petitions, had pleaded that on 03.06.2002, truck bearing No. RJ-14G-1053, loaded with stone slabs, was parked on the road in front of House No. 928, Sector 29, Faridabad, for unloading the same. Respondent-Ramesh Chand, driver of the truck, was present near the truck. Deceased Narender Singh Banuna, Jasjeet Singh Bedi and Mohd. Sabar, who were working as labourers, had climbed onto from the

offending truck for unloading the stone slabs along with other labourers and Tarlok Singh. At about 2.30 p.m., a car came from the front side and, in order to give way to the said car, respondent No. 1 got into the driver's seat and suddenly started the truck and applied the reverse gear with a heavy jerk, without giving any notice, horn or signal to the persons who were already present on the truck for unloading the stone slabs. As a result of the said act of the respondent-driver, the stone slabs had fallen down with force upon the persons present there. All the three deceased suffered fatal injuries and died at the spot on account of the negligence of the respondent-driver. Raj Kumar Taneja, who was also present at the time of occurrence had also sustained grievous injuries in the accident.

7. The claimants further pleaded that FIR No. 629 dated 21.07.2002 was registered with Police Station Central, Faridabad. They accordingly sought compensation for the death of the deceased on account of the accident dated 03.06.2002, which, according to them, had occurred due to the rash and negligent driving of respondent-driver.

8. In order to establish rash and negligent driving on the part of respondent-driver, the claimants had examined Tarlok Singh, author of the FIR, and Jasraj Singh, one of the claimants, who claimed themselves to be eyewitnesses to the occurrence, as PW-1 and PW-7, respectively. Both PW-1 and PW-7 reiterated the manner of occurrence as pleaded in the claim petitions and stated that the accident had occurred on account of the sudden starting of the truck and application of reverse gear without any signal, warning or horn, as a result of which the stone slabs fell upon the deceased.

9. To rebut the evidence led by the claimants, SI Narender Kumar, Investigating Officer of FIR No. 629 dated 21.07.2002, was examined as RW-1.

He deposed that initially a DDR was recorded on the basis of the statement of Jasraj Singh (PW-7), which is Ex. R-6 wherein no fault upon respondent-driver was alleged. During the inquest proceedings under Section 175 Cr.P.C., he recorded the statements of Jaideep Singh (PW-10) vide Ex. R-1, of Kanwaljit Singh vide Ex. R-2, of Habibur Rehman vide Ex. R-3, of Samim Mohammad vide Ex. R-5, of Jasraj Singh (PW-7) vide Ex. R-6, of Manohar Singh (PW-8) vide Ex. R-7 and of Jaspal Singh (PW-9) vide Ex. R-8.

10. According to the investigation conducted by him and the statements recorded during the course of investigation, the accident had occurred when the wooden support/lock underneath the stone slabs was removed. Initially, the stone slabs fell upon Mohd. Sabar and, when Jasjit Singh and Narender Singh, along with other persons, attempted to remove the stone slabs, they also came under the slabs and were crushed along with Mohd. Sabar, resulting in the death of three persons.

11. RW-1 further deposed that FIR No. 629 dated 21.07.2002 was registered and the investigation was entrusted to him. During the course of investigation, he recorded the statements of the witnesses, arrested respondent-Ramesh Chand on 26.09.2002 and thereafter presented the challan against him. RW-2 ASI Ram Phal proved the copy of the DDR as Ex. R-9, which had been recorded on the basis of the statement made by Jasraj Singh (PW-7).

12. Learned Tribunal has taken note of the statements recorded by the police during the course of inquest proceedings, including the statements of PW-7 and PW-9, wherein the incident was stated to be a result of a chance occurrence when the wooden log underneath the stone slabs was being removed. The said statements were duly signed by PW-7, PW-8 and PW-9.

13. Learned Tribunal has also taken note of the fact that the version alleging rash and negligent driving on the part of respondent No. 1 surfaced only on 21.07.2002, when the FIR was lodged in respect of the accident dated 03.06.2002, i.e. after a delay of about seven weeks. The learned Tribunal further noticed that PW-7, who claimed himself to be an eyewitness to the occurrence, had given a different version of the manner of occurrence before the police during the inquest proceedings and subsequently deposed before the Court in a different manner. Learned Tribunal, therefore, had concluded that the testimony of PW-1 and PW-7 was not worthy of reliance.

14. Learned Tribunal had also rejected the plea of PW-7, PW-8, PW-9 and PW-10 that their signatures had been obtained by the police on blank papers. It was noticed that from 03.06.2002, when their statements were allegedly recorded, till 21.07.2002, no complaint was ever made against the alleged act of the police. The learned Tribunal further noticed that even at the time of lodging of the FIR on 21.07.2002, after a delay of about seven weeks, no explanation was furnished for not lodging the FIR immediately after the occurrence, particularly when PW-7, who claimed to be an eyewitness, was admittedly present during the inquest proceedings. The explanation that the relatives of the deceased had not got copy of the FIR was also found to be unconvincing and was rejected by the learned Tribunal as no FIR was lodged.

15. The testimony of Tarlok Singh (PW-1) was also discarded by the learned Tribunal, as his presence at the spot at the time of occurrence was found doubtful. Neither was his statement recorded on 03.06.2002 nor was his presence at the spot mentioned by any of the persons whose statements were recorded during the inquest proceedings. Thus, the learned Tribunal found that

his claim of having witnessed the occurrence surfaced only on 21.07.2002, after a lapse of about seven weeks. This was particularly relevant when Jasraj Singh (PW-7) had claimed to be present at the spot on 03.06.2002.

16. Learned Tribunal also took note of the fact that Raj Kumar Taneja, who had allegedly sustained injuries in the said occurrence, was not examined by the claimants for reasons best known to them.

17. On consideration, I find that the reasons recorded by the learned Tribunal for rejecting the evidence of PW-1 and PW-7, the alleged eyewitnesses to the occurrence, with regard to rash and negligent driving on the part of respondent-driver, cannot be faulted with. The case set up by the claimants is that PW-7 had witnessed the occurrence, as he was present at the spot on 03.06.2002. It is also an admitted position, duly deposed to by RW-1, that the statement of PW-7 was recorded by the police during the course of the inquest proceedings. However, in the said statement recorded immediately after the occurrence, PW-7 did not disclose the manner of occurrence which was subsequently stated by him before the Court, whereby the entire blame was sought to be placed upon respondent-driver. Rather, the version given by PW-7 to the police on 03.06.2002 was materially different.

18. No plausible explanation has been forthcoming as to why PW-7, if he had actually witnessed the occurrence in the manner subsequently deposed by him before the Court, did not disclose the said facts immediately after the occurrence. PW-7 attempted to explain the statement attributed to him by asserting that his signatures had been obtained by the police on blank papers and that he had never made the statement relied upon by the police. However, this explanation does not inspire confidence, particularly when no complaint was

ever made either by PW-7 or by any of the claimants against the police officials who had allegedly obtained his signatures on blank papers.

19. It is also significant that PW-7 himself is one of the claimants in the claim petitions. Yet, the version now sought to be projected, attributing rash and negligent driving to respondent-driver, surfaced for the first time only after a lapse of about seven weeks, when the FIR came to be registered on 21.07.2002. No plausible explanation has been furnished as to why the claimants remained silent for about seven weeks and did not disclose that the accident had occurred on account of the fault of respondent No. 1. The unexplained delay in putting forward such a version assumes significance in the facts and circumstances of the present case.

20. On overall consideration of the evidence on the touchstone of preponderance of probabilities, I find that the conclusion reached by the learned Tribunal is the only reasonable conclusion that can be drawn from the evidence on record. The testimony of PW-1 and PW-7 before the learned Tribunal appears to be an attempt to improve upon the version initially disclosed by PW-7 immediately after the occurrence, wherein no fault was attributed to the driver of offending vehicle. The mere fact that the claimants examined persons claiming to be eyewitnesses does not, by itself, make their testimony worthy of acceptance. The evidence of such witnesses has to be assessed on its own merits and in the light of the surrounding circumstances and the other evidence available on record. In the present case, for the reasons noticed above, the learned Tribunal was justified in not placing reliance upon the testimony of PW-1 and PW-7 to hold respondent-driver was liable for the accident by his rash and negligent driving.

21. The evidence led by the claimants has to be appreciated by the learned Tribunal on the touchstone of preponderance of probabilities, and reliance can be placed upon such evidence only when the same is found to be reliable and trustworthy. In the present case, the evidence of PW-1 and PW-7, attributing the accident to the rash and negligent act of respondent-driver, appears to be an attempt to seek higher compensation, particularly when there is no satisfactory explanation for the delay of more than 47 days in lodging of FIR.

22. Therefore, in the facts and circumstances of the present case, the learned Tribunal has rightly held that, though the claimants succeeded in establishing that the deceased persons had died on account of the injuries suffered in the occurrence involving the offending truck, they had failed to prove that the accident was caused due to the rash and negligent act of respondent-driver. The finding recorded by the learned Tribunal, being based on proper appreciation of the evidence on record, does not warrant any interference and is, accordingly, upheld.

23. Even though the claimants have failed to establish fault on the part of respondent No. 1-driver, they would still be entitled to compensation under the principle of no-fault liability. At the time of the accident as well as at the time of filing of the claim petitions, no-fault liability was provided under Section 140 as well as Section 163-A of the Motor Vehicles Act, 1988. The liability under Section 140 was payable irrespective of any condition relating to negligence or fault, whereas compensation under Section 163-A was subject to the conditions that the compensation shall be determined in accordance with the structured formula prescribed under the Second Schedule and that the annual income of the deceased should not exceed Rs.40,000/-.

24. In the present case, the learned Tribunal awarded compensation of Rs.50,000/- to each of the claimants under no-fault liability.

25. Learned counsel for the appellants, however, has contended that, in view of the subsequent amendment to the Motor Vehicles Act, 1988, the claimants are entitled to compensation in terms of the amount now prescribed under amended Section 164 of the Motor Vehicles Act, 1988. Learned counsel appearing for the respondents has argued that the entitlement of the claimants to compensation has to be determined in accordance with the provisions of the Motor Vehicles Act, 1988, as were applicable on the date of the accident and/or when the claim petitions were filed.

26. Thus, the issue which arises for consideration before this Court is whether the claimants, in respect of an accident which occurred on 03.06.2002, would be entitled to compensation at the rate prescribed under the amended Section 164 of the Motor Vehicles Act, 1988, particularly when the said provision came into force only with effect from 01.04.2022.

27. The above noted issue is not *res integra*. Hon'ble Supreme Court in **Roopa Vs. The Manager, Orix Auto Infrastructure Service Ltd. & Anr.**, Civil Appeal No.6797 of 2026 decided on 27.04.2026; **The New India Assurance Co. Ltd. Vs. Urmila Halder**, 2025 ACJ 244; and **K.R. Jagadish & Anr. Vs. M/s. National Insurance Company Ltd. & Anr.**, 2025 ACJ 188 has dealt this very issue and has concluded that since 1988 Act is beneficial legislation and amendment under Section 164 is procedural in nature, therefore, the compensation as amended under Section 164 can be awarded to appellants-claimants who had filed their petition under Section 163-A in accident which had occurred prior to 01.04.2022. In view of authoritative pronouncement by

Hon'ble Supreme Court, it is clearly made out that Section 164 of 1988 Act being procedural amendment would be retrospective in nature and appellants-claimants would be entitled to receive compensation mandated therein.

28. Appeals are accordingly allowed. It is held that appellants-claimants are entitled to Rs.5,00,000/- as compensation in their respective claim petitions. The same be paid after adjusting amount already awarded and paid. The enhanced compensation shall be payable along with interest @ 6% per annum from the date of filing of claim petition till its realization as was awarded by Hon'ble Supreme Court in case titled **K.R. Jagadish & Anr. Vs. M/s. National Insurance Company Ltd. & Anr. (supra)**. Apportionment and liability to pay compensation shall be as per award.

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

30. A photocopy of this order be placed on the file of the connected case.

03.09.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No