



FAO-1768-2015 (O&M)

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

FAO-1768-2015 (O&M)
Reserved on :- 25.08.2026
Pronounced on :- 03.09.2026
Date of Uploading :- 07.09.2026

Jagbir

...Appellant

Versus**Gulab Singh and others**

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Ms. Anita Balyan, Advocate
for the appellant.

Respondents No. 1 and 2 *exparte*.

Mr. Shubham Gupta, Advocate for
Mr. Raj Kumar Bashamboo, Advocate
for respondent No. 3-insurance company.

AMARJOT BHATTI, J.

1. Appellant/claimant Jagbir has filed appeal against impugned Award dated 29.11.2014 passed by learned Motor Accident Claims Tribunal, Rohtak (for short '**Tribunal**') vide which his claim petition filed under Section 166 of the Motor Vehicles Act, 1988 was dismissed.

2. Brief facts of the case are, appellant/claimant Jagbir filed claim petition under Section 166 of the Motor Vehicles Act, 1988 for grant of compensation on account of injuries suffered by him in a motor vehicular accident against driver Gulab Singh, owner Sanjay and insurance company i.e. Reliance General Insurance Company Limited of offending Truck bearing registration no. HR-46E-9456 (wrongly mentioned as HR-



Jagbir along with his brother Rajbir had come to Rohtak for their personal work. At about 10:00 pm, they were returning to their village and were waiting for a vehicle at Jind bypass chowk, Rohtak. In the meantime, offending Truck bearing registration no. HR-46E-9456 came from the side of Rohtak City, driven by its driver rashly and negligently at a high speed and directly hit against the claimant. In this accident, he suffered multiple injuries including injuries on his head and legs. Respondent No. 1 stopped the truck at some distance. Brother of claimant/injured noted down the registration number of offending vehicle. Some persons started gathering there and taking advantage of the situation, respondent No. 1 fled away from the spot. This accident was caused due to rash and negligent driving of respondent No. 1. FIR No. 727 dated 15.10.2011 was registered under Section 279, 337 IPC at Police Station City, Rohtak.

At the time of accident, claimant/injured Jagbir was about 42 years of age. He was doing agricultural work and dairy farming, thus, earning Rs. 15,000/- per month. Due to injuries suffered by him, he remained admitted in PGIMS, Rohtak and about Rs. 5,25,000/- were spent on his treatment. Claimant/injured suffered permanent disability. He remained admitted in hospital for long duration. Even at the time of filing petition, he was unable to perform his daily routine work. He suffered 48% permanent disability. He and his family members faced financial hardship. Claimant claimed compensation to the tune of Rs. 20 lacs along with interest, as detailed therein.

3. Respondent No. 1/driver Gulab Singh and respondent No. 2/owner Sanjay of the offending vehicle filed separate written replies taking the same preliminary objections regarding maintainability, cause of



action and locus standi to file present claim petition. It was alleged that material facts were suppressed from the Court. False FIR was lodged against respondent No. 1 in collusion with police to grab compensation. On merits, facts were denied for want of knowledge and it was submitted that claimant may be put to strict proof of the facts stated in claim petition.

4. Respondent No. 3-insurance company also filed written reply taking preliminary objections vide which accident was denied. FIR has been lodged on false and concocted version. The claim for compensation is without any justification. Without admitting the involvement of said vehicle in accident, it was submitted that driver of offending vehicle was not having valid effective driving license. It was being driven without proper documents and in violation of the terms and conditions of insurance policy. Even on the merits of case, all the facts were denied by insurance company. Involvement of Truck bearing registration no. HR-46E-9456 was denied. Treatment of claimant as well as medical expenditure and alleged permanent disability were also denied. Respondent No. 3-Insurance company submitted that claim petition filed by claimant deserves dismissal.

5. From the pleadings of the parties, following issues were framed by the Tribunal on 21.03.2014:-

1. Whether present accident is the outcome of rash and negligent driving of truck bearing registration No. HR-46E-9456 (wrongly written as HR-14C/9456) by respondent No.1, in which petitioner suffered injuries, as alleged? OPP

2. If issue No.1 is proved in affirmative, to what amount and from whom the petitioner is entitled to recover? OPP

3. Whether respondent No. 1 was not holding a valid and effective driving license on the date of alleged accident and that respondents No.1&2 have violated the terms and conditions of the Insurance Policy, as alleged? OPR-3

4. Relief.



6. In order to prove the claim petition, claimant Jagbir himself stepped into the witness box as PW2 and deposed through duly sworn affidavit Ex.PW2/A. He also examined Dr. Sukhbir Singh, Deputy Medical Superintendent, PGIMS, Rohtak as PW1, eye witness Rajbir as PW3, Surender, Record Keeper, PGIMS, Rohtak as PW4 and Sanjay, Salesman, Balaji Medicos, Medical Mor, Rohtak as PW5. Thereafter, learned counsel for claimant closed oral evidence on behalf of claimant vide separate statement dated 28.10.2014 and documentary evidence on dated 13.11.2014.

7. In order to rebut the case of claimant, no oral evidence was led by the respondents. However, learned counsel representing respondents No. 1 and 2 tendered into documentary evidence documents i.e. Ex.R1 to Ex.R4. Thereafter, learned counsel for respondents No. 1 and 2 and learned counsel for respondent No. 3 closed their respective evidence vide separate statements on dated 27.11.2014.

8. After hearing the arguments advanced by learned counsel for the parties, claim petition filed by claimant was dismissed by passing impugned Award dated 29.11.2014. Feeling aggrieved of this Award, present appeal has been preferred by appellant/claimant/injured.

9. I have heard the arguments advanced by learned counsel for appellant/claimant/injured as well as learned counsel(s) representing respondent No. 3-insurance company.

10. Learned counsel representing appellant/claimant argued that facts of the case and evidence on record were not rightly considered by learned Tribunal while passing impugned Award dated 29.11.2014. In fact, convincing evidence was led by claimants by examining relevant witnesses



to prove the manner of accident as well as rash and negligent driving on the part of respondent No. 1. In fact, appellant/claimant was standing on the road along with his brother Rajbir, waiting for a vehicle at Jind bypass chowk, Rohtak, when offending Truck bearing registration no. HR-46E-9456 driven rashly and negligently by respondent No. 1 Gulab Singh came from the side of Rohtak and directly hit against the claimant. Regarding this accident, FIR No. 727 dated 15.10.2011 was registered under Section 279, 337 IPC at Police Station City, Rohtak, which is Ex.P2. Rajbir, author of FIR as well as eye witness stepped into the witness box as PW3 and claimant Jagbir as PW2 also stepped into the witness box to prove the factum of accident as well as rash and negligent driving on the part of respondent No. 1 Gulab Singh. Entire evidence led by appellant/claimant has been ignored without any valid reason.

10.1 Learned counsel representing appellant/claimant further referred to testimony of Jagbir – claimant (PW2), who has given the detail regarding the injuries suffered by him. There is testimony of Surrender, Record Clerk, PGIMS, Rohtak PW4 who produced entire treatment file of claimant as Ex.P3. Appellant/claimant/injured was admitted in hospital on 09.10.2011 at midnight and he was discharged on 08.12.2011. The bills regarding purchase of medicine are proved on file by examining Sanjay, Salesman of Balaji Medicos, Medical Mor, Rohtak, who has proved bills of pharmacy as Ex.P4 to Ex.P29. Disability Certificate is proved by Dr. Sukhbir Singh PW1, according to which Jagbir was medically examined by the Board on 06.03.2013. Disability Certificate is Ex.P1, according to which permanent disability was assessed as 48%. He suffered head injury with IVH with mild ataxia with border line intellectual function with



fracture of both bones leg left. Learned Tribunal on the basis of finding on issue no. 1 did not assess any compensation which the claimant was entitled to receive. Therefore, it is submitted that impugned Award dated 29.11.2014 passed by learned Tribunal may kindly be set aside and appellant/claimant may be granted adequate compensation, as prayed for.

11. On the other hand, learned counsel representing respondent No. 3-insurance company pointed out that findings given by learned Tribunal on issue no. 1 are fully justified. There was delay in lodging the report to police. Alleged accident took place on 08.10.2011, whereas, FIR was lodged on 15.10.2011. Said FIR was lodged on the statement of Rajbir (PW3), brother of appellant/claimant, being eye witness. It is pointed out that testimony of Rajbir PW3 is not trustworthy. In case, he was present on the spot, FIR would have been lodged on the same day or within reasonable time. Cross-examination of Jagbir PW2 further indicates that Gulab Singh, driver of offending truck was known to Rajbir PW3, who was residing in same village. The truck in question was involved falsely only to get compensation from insurance company. Findings of learned Tribunal on issue no. 1 does not require any interference. Once the accident as well as rash and negligent driving is not proved on record, there was no point in calculating quantum of compensation. It is submitted that appeal preferred by appellant/claimant deserves dismissal.

12. I have considered the arguments and have gone through the record carefully. Firstly, I will deal with issue no. 1 regarding the accident as well as rash and negligent driving on the part of respondent No. 1 Gulab Singh. Accident took place on 08.10.2011 at about 10:00 pm, when appellant/claimant Jagbir along with his brother Rajbir were waiting for



vehicle at Jind bypass chowk, Rohtak and at about 10:00 pm, offending Truck bearing registration no. HR-46E-9456 came from the side of Rohtak City and directly hit against the appellant/claimant Jagbir. In this accident, Jagbir suffered multiple injuries and was shifted to PGIMS, Rohtak. To prove this accident, Rajbir stepped into the witness box as PW3, on whose statement FIR No. 727 dated 15.10.2011 was registered under Section 279/337 IPC at Police Station City Rohtak (Ex.P2). He has narrated the manner in which accident took place. Jagbir, the claimant also stepped into the witness box as PW2 to prove the accident as well as injuries suffered by him. It is matter of record that there is delay of about 7 days in lodging the report. At the same time, medical record of injured/claimant cannot be ignored who was admitted in hospital immediately on 09.10.2011 at about 12:25 am. He remained admitted in hospital till 08.12.2011. It has further come on record that initially when he was shifted to hospital, he remained unconscious. Respondent No. 1 Gulab Singh, the driver belongs to the same village. Jagbir PW2 during his cross-examination admitted this fact and further stated that house of Gulab Singh is situated from their house at a distance of about 20-25 kms away. In FIR No. 727 dated 15.10.2011 (supra) (Ex.P2), investigation was carried out by police. Respondent No. 1 Gulab Singh was arrayed as accused in this FIR. Copy of challan report is Ex.P31 and copy of charge-sheet framed against him is Ex.P30. In written reply filed by respondent No. 1 Gulab Singh before learned Tribunal, there is mere denial of accident. No specific stand is taken in written reply. He never opted to step into the witness box, therefore, testimony of appellant/claimant's witnesses remained unrebutted. Proceedings in claim petition are summary in nature. I do not find any good reason to ignore the



testimony of appellant/claimant Jagbir (PW2) as well as eye witness Rajbir (PW3). Considering their oral testimonies coupled with documentary record as referred above, findings given by learned Tribunal on issue no. 1 are not justified and findings are, accordingly, reversed and this issue is, accordingly, decided in favour of appellant/claimant and against the respondents.

13. In the case in hand, learned Tribunal did not record any finding on issue no. 2, as findings on issue no. 1 were returned against the claimant. The entire evidence was led by appellant/claimant. Trial Court record is also requisitioned. No purpose would be served to remand back the case before learned Tribunal as it will further result into delay in disposal of case.

Regarding issue no. 2, appellant/claimant Jagbir stepped into the witness box as PW2. Appellant/claimant examined Surender, Record Clerk as PW4, who produced record of PGIMS, Rohtak (Ex.P3). Appellant/claimant was admitted in hospital on 09.10.2011 and was discharged on 08.12.2011 after two months. This record contains case summary and discharge notice. The detail of injuries and treatment given to him is duly mentioned. Sanjay, Salesman of Balaji Medicos, Medical Mor, Rohtak examined as PW5 produced bills of pharmacy as Ex.P4 to Ex.P29, which are to the tune of Rs. 3,42,466/-. Dr. Sukhbir Singh examined as PW1 proved Disability Certificate (Ex.P1), according to which appellant/claimant suffered permanent disability, which is assessed as 48% pertaining to head injury resulting into borderline intellectual function with fracture of both bones of left leg. At the time of accident, appellant/claimant was 42 years of age. He was allegedly doing agricultural



work and dairy farming. There is no direct evidence to prove his income by way of statement of bank account or Income Tax Return. Therefore, considering the minimum wages prevailing in October, 2011, his monthly income is assumed approximately as Rs. 5,500/- per month and annual income as Rs.66,000/-. He suffered 48% permanent disability and by applying multiplier of 14, compensation on account of loss of future prospects comes out to be Rs. 4,43,520/-. Considering the medical expenditure and injuries suffered by him resulting into permanent disability, appellant/claimant is also granted compensation under the following heads:-

Heads under which compensation is granted	Amount of compensation
Loss of future prospects with 48% permanent disability	Rs. 4,43,520/- (as mentioned above)
Medical expenditure	Rs. 3,42,466/-
Pain and suffering	Rs. 50,000/-
Special diet	Rs. 10,000/-
Transportation	Rs. 10,000/-
Future medical treatment	Rs. 10,000/-
TOTAL	Rs. 8,65,986/-

Thus, total amount of compensation comes out to be **Rs.8,65,986/-**, which the appellant/claimant is entitled to receive. Therefore, issue no. 2 is, accordingly, decided in favour of appellant/claimant and against the respondents.

14. With regards to issue no. 3, no evidence is led by respondent No. 3-insurance company. Learned counsel representing respondents no. 1 and 2 tendered into evidence copy of Driving License (Ex.R1), copy of



insurance policy for the period 06.09.2011 to 05.09.2012 (Ex.R2), report of Secretary, Regional Transport Authority, Rohtak regarding route permit (Ex.R3) and copy of Registration Certificate of offending Truck bearing registration no. HR-46E-9456 (Ex.R4). There is no evidence on record to show that respondent No. 1/driver Gulab Singh was not holding valid driving license or he was driving the offending truck in contravention of terms and conditions of insurance policy. Therefore, this issue is, accordingly, decided against respondent no. 3-insurance company.

15. Considering the aforesaid factual position, impugned Award passed by learned Tribunal dated 29.11.2014 is, accordingly set aside. The appellant/claimant is awarded compensation to the tune of **Rs. 8,65,986/-**, which respondents No. 1 to 3 are liable to pay jointly and severally along with interest @ 6% per annum from the date of filing of claim petition till realization of amount. Consequently, appeal preferred by appellant/claimant is, accordingly, allowed.

16. Pending application(s), if any, also stands disposed of accordingly.

17. Copy of this judgment be sent to concerned Tribunal for necessary information.

03.09.2026

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No