



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

FAO-3865-2002

Judgment reserved on 19.09.2025

Judgment pronounced on 24.09.2025

BABY SHIVANI AND OTHERS

... APPELLANTS

VERSUS

RANBIR SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ravindra Singh, Advocate for
Mr. Pritam Singh Saini, Advocate
for the appellant(s).

Mr. Mukesh Kumar Bhatnagar, Advocate
for respondent No. 1.

Mr. R.C. Kapoor, Advocate
for respondent No. 2-Insurance Company.

PARMOD GOYAL, J.

1. The present appeal has been filed by the unsuccessful claimants seeking sought compensation on account of the death of Gurjeet Singh, who died in a motor vehicular accident on 03.05.1999 while driving the vehicle bearing registration number HR-01-F-2695. The claimant's petition for compensation was dismissed by the learned Motor Accident Claims Tribunal, Chandigarh, vide award dated 27.07.1999.

2. In their claim petition, the appellants had asserted that on 03.05.1999, Gurjeet Singh was traveling from Mubarikpur to Dagshai while driving Tata Sumo bearing registration number HR-01-F-2695. Upon reaching near Shiv Mandir, Pattal Model NH22, Dharampur, the steering of the Sumo got locked, causing the accident that resulted in the death of the deceased. The claim petition



was filed by the claimants under Section 166 of the Motor Vehicles Act, 1988.

3. The learned Tribunal, after considering the evidence on record, concluded that none of the witnesses examined on behalf of the claimant had clearly described the manner of the occurrence. The Tribunal relied on the FIR Ex. P-2 lodged on the statement of ASI Chain Ram (author of the FIR), who had stated that the accident was the result of the deceased's own rash and negligent driving, as he was driving on the wrong side of the road.

4. The learned Tribunal, after considering the evidence of all the witnesses-PW-1 to PW-3 for the claimants and RW-1 for the defense concluded that the claimants-appellants have failed to prove rash and negligent driving by any vehicle other than the deceased himself. Consequently, the Tribunal dismissed the claim petition.

5. According to the appellants, the cause of the accident was the locking of the steering wheel while the deceased was driving the offending vehicle. Admittedly, the claimants have not placed any evidence on record which is worthy reliance to prove rashness or negligence on the part of the vehicle's owner, which is necessary to succeed in the present case.

6. I find merit in the contention raised on behalf of respondent No. 2 that none of the witnesses examined by the claimants spoke about the manner of the accident, as none were present or had witnessed the accident at the time it occurred. They merely reiterated the claim that the accident was caused by the locking of the steering wheel. It is noteworthy that no evidence has been placed on record to substantiate the claim that the steering wheel got locked, as alleged by the claimants. No mechanical report showing locking of wheel or any fault with vehicle was adduced by claimants. The learned Tribunal has rightly held that the appellants-claimants failed to prove the manner of the accident as asserted.



7. Furthermore, in the present case, it is admitted that the deceased was the driver of the offending vehicle and was driving it at the time of the accident. It is pertinent to note that Ex. P-2 FIR No. 84 of 1999 was registered at Police Station Dharampur concerning the occurrence. Ex. P-2 was recorded on the statement of ASI Chain Ram. According to his verification at the spot, the accident had occurred due to the negligence and wrong-side driving by the deceased driver.

8. The learned Tribunal has rightly taken into consideration claimants-appellants' failure to prove the locking of the steering wheel, as pleaded by them, as well as the investigation conducted by the author of the FIR. According to his investigation, the deceased himself was at fault due to rash and negligent driving. No other evidence is available on record to the contrary. In these circumstances, the claimants have failed to establish their case and are therefore not entitled to receive compensation under Section 166 of the Motor Vehicles Act, which requires proof of rash and negligent driving on the part of the owner or driver of the offending vehicle.

9. However, in the present case, the claimants have failed to prove any mechanical failure as alleged. Rather, the FIR indicates that the police found the deceased to be rash and negligent while driving the vehicle.

10. In these circumstances, since the deceased himself was rash and negligent, his legal representatives cannot be held entitled to compensation under Section 166 of the Motor Vehicles Act. No fault with the impugned order dated 27.07.1999 can be found. The appeal is without merit and is hence dismissed.

24.09.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No