



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

(104)

**FAO No. 3188 of 1996
Reserved on: 22-09-2025
Pronounced on: 24-09-2025**

Oriental Insurance Company

... Appellant

Versus

Hardev Singh Kaundal

... Respondent

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. A.P.S Nain, Advocate,
for the appellant-Insurance Company.

None for the respondent

VIRINDER AGGARWAL, J.

1. The present appeal has been filed by the appellant-Insurance Company challenging the award dated 26.09.1996 passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib, whereby compensation of ₹1,25,000/- has been awarded in favour of the claimant on account of injuries and damage sustained in a motor accident, and the liability has been fastened upon the appellant-Insurance Company along with the owner and driver of the offending vehicle.

FACTUAL BACKGROUND

2. The accident in question took place on 31.08.1993 at about 1:30 a.m. when the claimant was driving his car bearing registration No. DL-2-CB-7295



on the correct side of the road at a normal speed. While proceeding in this manner, a truck bearing registration No. HR-06A-5062 was found standing stationary in the middle of the road without switching on its parking lights. Due to the reflection of headlights of a vehicle coming from the opposite direction, the claimant's car collided with the stationary truck. As a result of the impact, the claimant sustained injuries and the car was badly damaged. The claimant accordingly filed a petition before the Motor Accident Claims Tribunal seeking compensation for the injuries and loss suffered in the accident.

3. The learned Tribunal held that the accident was caused by the rash and negligent act of the truck driver, who had left the vehicle parked in the middle of the road without proper parking lights, while the claimant was driving on the correct side at normal speed. It further rejected the appellant-Insurance Company's plea regarding the absence of a valid license, noting that the license on record proved the driver was duly authorized to drive. On the question of compensation, the learned Tribunal assessed the claimant's entitlement at ₹1,25,000/-, holding the appellant-Insurance Company, along with the owner and driver of the offending vehicle, jointly and severally liable to satisfy the award.

CONTENTIONS

4. Learned counsel for the appellant-Insurance Company of the car submitted that the learned Tribunal committed a grave legal error in holding the appellant liable, as the accident occurred solely due to the rash and negligent act of the truck driver, who had left his vehicle stationary in the middle of the road without switching on the parking lights. The car insured by the appellant had no

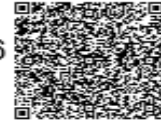


contributory role in the accident, and therefore the appellant cannot be held responsible under the Motor Vehicles Act. It was further argued that the learned Tribunal wrongly exonerated the truck owner and its insurance company while fastening liability on the appellant, which is contrary to settled legal principles. Counsel also submitted that even if there was an initial question about the genuineness of the car driver's license, he had subsequently produced a renewed license issued by the competent authority, and thus the appellant cannot be held liable on this ground. While the learned Tribunal awarded compensation of ₹1,25,000/-, liability must legally rest on the insurer of the vehicle whose negligent act caused the accident, namely, the truck, and since the car driver was not held to be negligent in causing the accident, the appellant cannot be held liable. Accordingly, it was prayed that the appeal be allowed and the award passed against the appellant be set aside.

OBSERVATIONS AND FINDINGS-

5. I have considered the rival submissions and carefully examined the award of the learned Tribunal.

6. Upon careful examination of the record and the award of the learned Tribunal, it is evident that the accident occurred solely due to the rash and negligent act of the driver of truck No. HR-06A-5062. The truck was left stationary in the middle of the road without switching on its parking lights. The claimant, while driving his car on the correct side of the road at a normal speed, and due to direct reflection of head lights of the vehicle coming on opposite side, the car driver failed to notice the offending stationary truck at dead night at 1.30 am which resulted in the collision with that truck. The findings of the



learned Tribunal and evidence clearly establishes that the car driver insured by appellant-Insurance Company had no causal role in causing the accident. For the sake of reference, the relevant portion of the learned Tribunal's findings is reproduced below:

“11. I have considered the submissions made by the learned counsel for the respondent Company. As already stated above, there is not an iota of evidence on the file led by the respondent Company that it was the claimant who was negligent in causing the accident. It has been proved from the statement of the claimant that the accident occurred on account of the reflection of light from the opposite side and the car struck against the stationary truck. Therefore, the claimant was not negligent in causing the accident and it was only due to the parking of the stationary truck which was standing on the middle of the road. Therefore, the contention raised by the learned counsel for the respondent has no force and the same is hereby dispelled.”

Therefore, although the learned Tribunal recorded that the accident was caused by the negligence of the truck driver, it erroneously exonerated the truck driver, owner and its insurance company while fastened liability on the appellant-Insurance Company of the car. In reality, the truck was the offending vehicle, and liability should have been borne by its driver, owner, and insurer. The appellant cannot be held responsible for an accident caused entirely by the negligence of another vehicle. Imposing liability on the appellant is contrary to settled legal principles and renders the award unsustainable. Accordingly, the findings of the learned Tribunal on this issue are legally unsupportable.



7. In view of the above, it is clear that the award against the appellant—Insurance Company of the car cannot be sustained. The liability for payment of compensation rightly rests with the insurer of the truck, the vehicle whose negligent act caused the accident, but they were not named by the claimants in the claim petition.

8. Accordingly, the present appeal is allowed, and the award dated 26.09.1996 passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib, holding the appellant liable, is set aside.

9. Since, the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

24.09.2025
Saurav Pathania

(i)	<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
(ii)	Whether reportable	:	Yes/No