



FAO-3349-2025(O&M) 1

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

FAO-3349-2025(O&M)

Date of decision:22.05.2025

Jai Inder Singh and another

..Appellants

Versus

DIG (PROV) formerly designated/known as Addl. DIG (PROV) HQ,
Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gagandeep Goel, Advocate for appellant no.1
(through VC)

ANIL KSHETARPAL, J. (Oral)

1. On account of damage caused to Bus bearing registration no.PB-08-BC-9522 in a motor vehicular accident, the Motor Accident Claims Tribunal has awarded Rs.1,00,000/- as damages. The correctness of the aforesaid award is challenged in the present appeal by the driver and owner of Skoda car bearing no.CH-01-BS-1539.

2. Learned counsel representing the appellants has made the following submissions:-

i) the owner of the vehicle has been prosecuted without any fault.

ii) the Tribunal has erred while returning a finding that appellant no.1 was driving the car in rash and negligent manner only on the basis of the statement of the driver of the bus without any independent witness.

iii) the Tribunal has wrongly held that the driver, owner and Insurance Company are equally liable to pay compensation.



FAO-3349-2025(O&M) 2

3. This Court has considered the submissions made by the learned counsel representing the parties.

4. Learned counsel representing the appellants has failed to distinguish between civil liability and criminal case. The claim petition was filed under Section 166 of the Motor Vehicles Act, 1988 which provides for civil liability. The owner of the vehicle, being the principal, is vicariously liable for the errors committed by his driver/servant/agent/representative/employee.

5. With regard to the second submission, it may be noted here that deposition of the driver of the bus was found reliable by the Tribunal. It is not necessary that in every case it should be corroborated by an independent witness. Learned counsel representing the appellants failed to impeach the credibility of Mridu Chetia.

6. With respect to the last submission, it may be noted here that the Tribunal has erred that respondent no. 1 to 3 including the appellants are jointly and severally liable to pay that amount. It means that all of them are liable, however, the Insurance Company has not been absolved. Consequently, finding no merit, the appeal is dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

22.05.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

**(ANIL KSHETARPAL)
JUDGE**