



FAO-5072-2025

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

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**FAO-5072-2025 (O&M)
Date of decision :27.10.2025**

CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD.

... APPELLANT

VERSUS

DALBIR SINGH @ BHOLA SINGHAND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Abhimanyu Batra, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

1. The appellant–respondent No. 2 is aggrieved by the award dated 06.05.2025 passed by the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as ‘Tribunal’), whereby the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Sonu Singh, was allowed, and a sum of ₹5,00,000/- was awarded in favour of the claimants, being the mother and father of the deceased.

2. The brief facts of the case are that the deceased, Sonu Singh, was engaged in repairing and fixing punctures of tyres of tractor-trolleys. On 16.02.2019, respondent No. 1 had taken Sonu Singh for repairing a puncture in the tyre of his trolley attached with tractor bearing registration No. PB-06-AU-6629. Claimant No. 1, who was also present at the shop, had accompanied his son. After the vehicle was lifted with the help of a jack, while the deceased was attempting to remove the tyre, the trolley suddenly slipped from the jack, causing



all the sugarcane loaded in the trolley to fall upon him. As a result of the said occurrence, Sonu Singh sustained grievous injuries and was immediately taken to Escort Hospital, where he was declared dead.

3. A General Diary entry No. 20 dated 16.02.2019 was duly recorded with the police regarding the occurrence. Respondent No. 1, the owner of the tractor-trolley, was proceeded against ex parte, whereas respondent No. 2—the present appellant (Insurance Company) filed its written statement taking several preliminary objections as to the maintainability of the claim petition and alleged collusion between the claimants and respondent No. 1. It was specifically contended that no tractor was involved in the alleged incident and, therefore, no “motor vehicle accident” had occurred so as to attract the provisions of the Motor Vehicles Act, 1988.

4. Following issues were framed by learned Tribunal:-

- “1. *Whether deceased Sonu Singh died in motor vehicle accident? OPP.*
2. *Whether claimant is entitled to compensation, if so, to what extent and from whom? OPP.*
3. *Whether claim petition is not maintainable? OPR(2).*
4. *Whether alleged driver Jaswinder Singh was not holding legal, valid and effective driving license at the time of alleged accident?OPR2.*
5. *Relief.”*

5. Issue Nos. 1, 2, and 4 were decided in favour of the claimants. Issue No. 3 was also decided against respondent No. 2 and in favour of the claimants. Consequently, the learned Tribunal awarded a compensation of ₹5,00,000/- in favour of the claimants.

6. The sole contention raised on behalf of the appellant against the



award is that, since no tractor was involved in the present case, the incident does not fall within the ambit of a “motor vehicle accident” as contemplated under the provisions of the Motor Vehicles Act, 1988.

7. Learned counsel for the appellant has argued that in General Diary No. 20 dated 16.02.2019, there is no mention of any tractor by claimant No. 1, who happens to be the author of the said diary entry. Perusal of General Diary No. 20 dated 16.02.2019 reveals that the tractor number was not mentioned therein. However, the manner of occurrence was duly narrated by the author of the diary entry, i.e. claimant No. 1, who subsequently appeared as PW-1. While deposing as PW-1, claimant No. 1 categorically stated that the tractor was attached to the trolley and even described its colour as red. Although in his cross-examination he admitted his inability to disclose the tractor’s registration number, the same was explained by his illiteracy. There is no denial on the part of respondent No. 1 regarding the involvement of the tractor-trolley in the accident dated 16.02.2019. Respondent No. 1 chose not to appear before the Tribunal and was proceeded against ex parte. No evidence was led by the Insurance Company to prove that the tractor and trolley, as asserted by PW-1, were not involved in the occurrence.

8. Thus, the testimony of PW-1 has remained unrebutted and unchallenged. It is true that there are minor gaps in his statement regarding the non-disclosure of the tractor’s registration number; however, keeping in view that claimant No. 1 is an illiterate villager, such omission cannot be treated as fatal—particularly when he has consistently stated about the presence of the tractor attached to the trolley and even described its colour. There is also no material on record to suggest that the offending tractor bearing No. PB-06-AU-6629 was not involved in the accident. The occurrence was reported to the police on the same day, and the General Diary entry made contemporaneously supports the version



that the accident occurred due to the fall of sugarcane from a trolley being repaired by the deceased.

9. In the totality of circumstances, and particularly in view of the evidence led by the claimants, it cannot be held that the claimants have failed to prove the involvement of the tractor in the accident dated 16.02.2019. Accordingly, no fault can be found with the findings recorded by the learned Tribunal on this aspect, and the same are hereby upheld.

10. Faced with the above conclusion, learned counsel for the Insurance Company has further argued that respondent No. 1, the owner-cum-driver of the tractor, did not possess a valid driving license at the time of the accident, as he failed to respond to the statutory notices issued by the Insurance Company and did not furnish a copy of his driving license.

11. There is no material on record produced by respondent No. 2—appellant to substantiate its plea regarding the absence of a valid driving license.

12. Respondent No. 2-appellant was duty-bound not only to prove the issuance of the notice but also to establish that it was duly sent to the correct address of respondent No. 1. However, no such evidence is forthcoming in the present case as none was examined by Insurance Company to prove the fact. In the absence of any material to support this aspect, no fault can be found with the findings recorded by the learned Tribunal.

13. Accordingly, the appeal is without any merit and is hereby dismissed.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

27.10.2025
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(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No