



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

FAO-1631-2002 (O&M)
Date of Decision: 16.02.2026

MAST RAM AND ANOTHER

....Appellants

Versus

PARVEEN KUMAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sagar Aggarwal, Advocate
for the appellants.

Mr. Rahul Bansal, Advocate for
Mr. D.R. Bansal, Advocate
for respondent No.3.

Parmod Goyal, J. (Oral)

The appellants/claimants being the wife and parents of deceased Manohar Lal are aggrieved by dismissal of their claim petition by learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal') vide impugned award dated 01.09.2001.

2. It is the case of appellants/claimants that deceased was driver of Truck bearing No. DL-IG-2128 and on 07.07.1995 after loading the truck from Amritsar, started for Delhi. When the deceased reached near Transport situated at some distance from Namastey Chowk, G.T. Road, Karnal, truck was parked to load some goods by respondent No.1. Respondent No.1 in the meanwhile asked the deceased to bring tools from the tool box. Respondent No.1 was on the steering wheel and started driving the truck without informing the deceased rashly and negligently. Resultantly, deceased came

in contact with live electric wire which touched his head on account of which he was electrocuted and had died on the spot. It was further claimed by appellants/claimants that deceased aged 23 years was earning Rs.3,000/- per month being a driver and entire amount was being spent by deceased.

3. The claim petition was not contested by respondents No.1 and 2 and only respondent No.3/insurance company had contested the claim petition by filing written statement. In written statement respondent No.3 had denied the assertions made by appellants/claimants. It was asserted that insurance company is not liable to pay any compensation.

4. On the pleadings of parties, following issues were framed:-

1. Whether the accident in question took place due to rash and negligent driving of truck No.DL-IG-2128 by its driver Parveen Kumar, respondent No.1? OPP
 2. Whether Sh. Manohar Lal died on account of injuries suffered by him in the said accident? OPP
 3. To what amount of compensation the claimants are entitled to and from whom? OPP
 4. Whether the claim petition has not been presented by proper person? OPR
 5. Whether the claim petition is not maintainable? OPR
 6. Whether the claim petition is for mis-joinder and non-joinder of parties? OPR
 7. Whether the truck in question has been driven in contravention of the terms and conditions of the policy? OPR
 8. Relief.
5. Issues No.1 and 2 whether deceased had died on account of injuries suffered due to rash and negligent driving of respondent No.1 while driving truck bearing No. DL-IG-2128 was decided against appellants/claimants. It was held that appellants/claimants had failed to

prove involvement of truck in the accident.

6. In order to prove rash and negligent driving on the part of respondent No.1 while driving truck bearing No. DL-IG-2128 appellants/claimants have placed reliance upon evidence of PW2 Tilak Raj who was accompanying deceased in the same truck at the time of alleged accident. It was on his statement that *Rapat Roznamcha* in the matter was also recorded by the police which was also placed on record as Ex. R2. Perusal of *Rapat Roznamcha* goes to show that in the said *rapat* it was mentioned that when deceased was approaching the tool box he got electrocuted. However, PW2 on the other hand while appearing before the Court had categorically asserted that while deceased was approaching the tool box, respondent No.1 moved the truck without informing the deceased, and on account of said movement, deceased came in contact with a live electric wire and was electrocuted.

7. Admittedly, in the present case, respondent No.1 has neither filed written statement nor contested the claim petition. No material has been placed by respondents to counter the statement of PW2 Tilak Raj made on oath before Court. However, learned Tribunal has given preference to the facts recorded in *Rapat Roznamcha* Ex. R2. I find approach of learned Tribunal to be erroneous. It is the evidence led in the Court which is substantive evidence. *Rapat Roznamcha* or FIR are substantive pieces of evidence which can throw the evidence of eye-witness. *Rapat Roznamcha* and FIR have limited role of corroborating or contradicting a witness or author of FIR.

8. In the present case, PW2 Tilak Raj has clearly asserted that

deceased had come in contact with an electric wire as truck was moved by respondent No.1. The statement of PW2 Tilak Raj has gone unchallenged and unrebutted. Otherwise also, in the present case, truck was parked by respondent No.1 at a place which was near to the electric wires. From the way of parking of truck by respondent No.1, evidence of PW2 Tilak Raj and Ex. R2 it is clearly made out that it is respondent No.1 who was negligent in parking the truck in a rash and negligent manner.

9. In both the circumstances, it is respondent No.1 who had defaulted and acted in a rash and negligent manner, resulting into death of deceased. Accordingly, the finding of learned Tribunal on issues No.1 and 2 is set aside. It is held that deceased had died on account of rash and negligent driving of respondent No.1 while driving truck bearing No. DL-IG-2128.

10. Appellants/claimants have claimed that deceased was earning Rs.3,000/- per month while working as a driver, however, except for oral assertions no substantive material has been placed on record to justify the salary of Rs.3,000/-. Minimum wages as payable in the year 1995 to an unskilled worker were Rs.1,325/- per month, whereas learned Tribunal has taken income of deceased to be Rs.1,500/-. The amount of Rs.1,500/- is not in variance with minimum wages of Rs.1,325/- accordingly, assessment made by learned Tribunal is upheld and income of deceased is taken as Rs.1,500/-.

11. Deceased was admittedly 23 years old at the time of accident and is survived by parents and wife. In these circumstances, deceased would be entitled to 40% towards future prospects, multiplier of '18' and deduction

of 1/3rd towards personal expenses. Appellants/claimants shall also be entitled to compensation of Rs.15,000/- each under the head loss of filial and spousal consortium. Appellants/claimants shall be entitled to compensation of Rs.7,500/- for loss of estate and Rs.7,500/- on account of funeral expenses.

12. Accordingly, the compensation payable to appellants/claimants is as under :-

Income of deceased	Rs.1,500/- per month (as per minimum wages)	Rs.1,500/- per month
Deduction	1/3 th (1500-500)	Rs.1,000/-
Future Prospects	40% (1,000 + 400)	Rs.1,400/-
Multiplier	18	18
Total loss of dependency	Rs.1,400 x 18x 12	Rs.3,02,400/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Filial consortium to Claimant No. 3	15,000 x 2	Rs.30,000 /-
Compensation awarded in appeal		Rs.3,62,400/-

13. Appellants/claimants shall be entitled to compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. The finding of learned Tribunal with regard to liability of insurance company under issue No.7 is upheld and it is held that insurance

company is liable to indemnify owner. Respondents No.1 to 3 shall be jointly and severely liable to pay the compensation. 80% amount of compensation be paid to wife and remaining 20% amount be shared by parents of deceased in equal proportions.

14. Pending application(s), if any, is/are disposed of accordingly.

16.02.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No