



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

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FAO-824-2002 WITH
FAO-825-2002
Date of decision: 20.04.2026

1. FAO-824-2002

STATE OF HARYANA AND ANOTHER ...APPELLANTS

VERSUS

RAM SAROOP AND OTHERS ...RESPONDENTS

2. FAO-825-2002

STATE OF HARYANA AND ANOTHER ...APPELLANTS

VERSUS

JAI PAL SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Abhinav Mahant, AAG, Haryana
for the appellant(s).

Ms. Garima Thappa, Advocate
for respondent No.5.

PARMOD GOYAL, J. (ORAL)

The appellants have preferred two appeals against impugned award dated 5.11.2001 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as “Tribunal”) vide which claim petitions preferred by respondents–claimants were allowed and compensation was awarded to claimants on account of death of Sarupa Devi and on account of death of Mohindro Devi who died in motor vehicular accident which took place on 22.12.1998, due to rash and negligent driving by respondent No.1 while

driving bus bearing registration No. HR-20-PA-0318 (hereinafter referred to as 'offending vehicle').

2. Brief facts relevant to the present lis are that Surinder Singh (injured) along with his mother Sarupa Devi and aunt Mohindro Devi (deceased), who were riding pillion on the scooter, were going from Manimajra to village Jansui on a scooter bearing registration number CH-01-U-3229. At about 10.30 am when they reached near the curve on Ambala – Hisar road, a bus being driven in a rash and negligent manner bearing registration number HR-20-PA-0318, came from the opposite side hit the scooter of the claimants by coming to the wrong side of the road. The pillion riders died on account of injuries sustained in the accident.

3. From the pleadings, the following issues were framed:-

- (1) Whether the accident took place due to rash and negligent driving of bus No.HR-20-PA-0318 by respondent No.3, resulting into death of Smt. Mohindro Devi, Smt. Saroopi Kaur and injuries to claimant-Surinder Pal, as alleged? OPP
- (2) If issue No.1 is proved, to what amount of compensation, the claimants are entitled to and from whom? OPP
- (3) Whether the driver of the offending vehicle was not having any valid driving licence? OPR
- (4) Relief.

4. The challenge in the two appeals is with regards to issue No.1 which was decided in favour of the respondents-claimants by the learned Tribunal. In the present case, involvement of respondent No.1 and offending vehicle in causing the accident is not in dispute. In fact, Dayadeep-driver of offending vehicle had duly appeared as RW1 along with conductor Sher Singh

who appeared as RW2. According to them it was scooterist i.e. injured claimant who was driving the scooter in a rash and negligent manner and one of the pillion riders was holding a heavy bag which was falling down and while pillion rider tried to catch hold of it, the scooterist lost control and fell on the road. RW1 and RW2 both claimed that false case was registered against respondent/driver. RW1 further claimed that he had duly informed G.M. Haryana Roadways immediately in this regard. RW2 had stated the manner of occurrence of accident in a similar manner. He stated that two ladies were sitting as pillion riders and were holding a bag. As the bag fell down, the scooterist lost control and hit the bus.

5. On the other hand, injured-claimant Surinder Pal appeared as PW5 and reiterated the manner of occurrence as was stated by him while lodging FIR and in claim petition. He stated that he was going on scooter along with his mother and aunt who were pillion riders and driving the same on left side of the road. In the meanwhile, haryana roadways bus bearing No.HR-20-PA-0318 came from opposite side and hit his scooter, dragging the scooter for about 35 feet. The accident resulted into death of both the pillion riders on the spot and multiple fractures on the right leg were suffered by injured PW5. It is also not in dispute that FIR was duly registered on the statement of injured PW5 and after investigation final report under Section 173 Cr.P.C. was filed against respondent No.1-driver who is facing trial.

6. Learned Tribunal has appreciated evidence led by both the parties in proper prospective and concluded that it was bus driver who was driving the offending vehicle in a rash and negligent manner and had caused the accident.

No other conclusion from the evidence on record can be recorded. The

conclusion drawn by learned Tribunal is based on appreciation of the evidence of both the parties.

7. It is worth noticing that both RW1-driver of offending vehicle and RW2-conductor had stated the manner of occurrence differently. Admittedly driver of offending bus is facing trial without any complaint and protest. He in his cross-examination while appearing as RW1 had admitted that he is facing trial and charges have been framed against him. Despite this, he never made any complaint to any higher authority of police department regarding his false implication. He also admitted that bus was taken into possession by police and was released on sapurdari. Evidence of RW1 and RW2 is self-serving evidence to avoid their liabilities and, therefore, has rightly been ignored by learned Tribunal. The evidence of injured PW5 who was riding the scooter is trustworthy and is corroborated by prompt lodging of FIR wherein after investigation respondent No.1 has been found to be involved in the accident and that it was on account of his rash and negligent driving, accident had taken place. Therefore, the conclusion drawn by learned Tribunal is upheld.

8. Faced with above conclusion, learned counsel for appellants has argued that since scooter was carrying three persons, therefore, present is a case of contributory negligence. The precise argument was raised before learned Tribunal. Learned Tribunal has dealt with above argument in para No.15 of its award which is reproduced for ready reference :-

“15. It was argued that the scooter was carrying three persons and the scooter driver should be held guilty of contributory negligence. Counsel for the claimants then referred to authorities reported as New Majha Transport Company Society Ltd. and another Vs. Narinder Kaur and others, 1985 ACJ 85;

Union of India through Secretary, Home Affairs and others Vs. Ramji Lal and another, 1997 ACJ 439 and Harbansi Devi and others Vs. Rakesh Kumar alias Kala and others, I (1998) ACC 448.”

9. On consideration, I find that the above noted conclusion drawn by learned Tribunal cannot be faulted with. Contributory negligence can be attributed only in case some act of commission or omission is shown, resulting in contribution in causing the accident. Mere violation of traffic rules without there being any contribution in causing the accident would not attract contributory negligence. No act of omission or commission could be proved on record and, therefore, learned Tribunal was right in concluding that present is not a case of contributory negligence.
10. In view of above discussion no fault with the conclusion of learned Tribunal can be found and impugned award is upheld. Present appeals are without any merit, hence are dismissed.
11. Pending application(s), if any, is/are disposed of accordingly.

20.04.2026
Chiranjeev

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned Yes
Whether reportable Yes/No