

2026:PHHC:044874



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

**(1) FAO-3177-2000**  
**Reserved on :10.02.2026**  
**Pronounced on : 23.03.2026**

**JASWANT SINGH AND OTHERS** **... APPELLANTS**

**VERSUS**

**JAIBIR SINGH AND OTHERS** **...RESPONDENTS**

**(2) FAO-3177-2001**

**JASWANT SINGH AND OTHERS** **... APPELLANTS**

**VERSUS**

**JAIBIR SINGH AND OTHERS** **...RESPONDENTS**

**(3) FAO-2342-2002**

**KAMLESH AND ORS** **... APPELLANTS**

**VERSUS**

**JAIBIR SINGH AND ORS** **...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Sanjeev Kaushik, Advocate,  
Ms. Amisha Rana, Advocate and  
Ms. Manreet Kaur, Advocate  
for the appellants.

Mr. Sandeep Suri, Advocate  
for the respondent-Insurance Company.

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**PARMOD GOYAL, J.**

1. Appellants-claimants have filed three appeals which are being  
taken up together as all the claim petitions preferred by appellants-claimants

arise out of the same accident and were decided by common impugned award dated 15.06.2000, passed by learned Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as '**Tribunal**'). Appellants-claimants in FAO-3171-2001 and FAO No. 3177-2000 being the son and married daughters of deceased Matadin (hereinafter referred to as '**deceased**'), aggrieved by the grant of compensation of Rs.50,000/- by learned Tribunal have sought enhancement of compensation. Appellants-claimants in FAO-2342-2002 being the wife, two daughters and two sons and parents of deceased Dharamvir are aggrieved by the grant of compensation of Rs.50,000/- on account of no fault liability by the learned Tribunal have sought enhancement of compensation.

2. Deceased Matadin and Dharamvir had died in motor vehicular accident which took place on the intervening night of 20/21.06.1997 on account of rash and negligent driving by respondent No.1 while driving kerosene oil tanker bearing registration No. HR – 38A-2544.

3. Appellants-claimants are aggrieved by the grant of compensation and have sought enhanced compensation. However, learned counsel for respondents has argued that sufficient amount has already been given as compensation in the present case and there is no scope of any enhancement.

4. As per pleadings following issues were framed:-

- i. *Whether the accident in question resulting into the deaths of Matadin and Dharamvir was caused on account of rash/negligent driving of tanker no. HR-38-A-2544 by respondent No.1 Jaivir Singh? OPP*
- ii. *In case issue no.1 is proved to what amount of compensation the petitioners are entitled and from whom? OPP*

- iii. *Whether respondent no.1 was not holding a valid driving license at the time of accident, if so, its effect? OPR-3*
- iv. *Relief.*

5. The learned Tribunal decided issue no. 1 in favour of respondents, as appellants-claimants had failed to produce any person/evidence to prove that the accident occurred due to rash and negligent driving of respondent no.1. The appellants-claimants were afforded five opportunities to produce evidence, but neither any witness was produced nor claimants had summoned any person from Court or police in support of their case. Kamlesh PW-3, wife of deceased Dharamvir placed on record the copy of the FIR u/s 279/304B IPC.

6. Admittedly, respondent Nos. 1 and 2 did not contest the claim petitions and were proceeded against *ex-parte*. The claim petitions were contested only by the Insurance Company, i.e., respondent No. 3.

7. It is the case of the claimants-appellants that the accident took place on the intervening night of 20/21.06.1997 at about 11:15 p.m. Dharamvir and Matadin were travelling in a Maruti car bearing registration No. DL-4CE-5259. That when they were crossing the Income Tax Circle on Outer Ring Road, Pitampura, Delhi, on a green signal, a kerosene oil tanker, bearing registration No. HR-38A-2544, came from the side of Badli Chowk at a very high speed. The tanker allegedly jumped the red light and struck the car whose occupants were Dharamvir and Matadin. After hitting the car, the tanker dragged it up to the pavement and thereafter overturned. The car was crushed under the wheels of the tanker. Both occupants sustained multiple grievous injuries and died on the spot. Respondent No. 1, the driver of the tanker, fled from the place of occurrence.

8. In order to prove their case, the claimants—legal representatives of deceased Dharamvir and Matadin—examined Mange Ram (claimant in Claim Petition No. 54 of 1999), Jaswant Singh (claimant in Claim Petition No. 53 of 1999) as PW-2, and Kamlesh (claimant in Claim Petition No. 54 of 1999) as PW-3. PW-1 and PW-3 deposed regarding the age, income, and dependency of the claimants upon deceased Dharamvir, whereas PW-2 deposed about the age, income, and dependency of the claimants upon deceased Matadin, who was stated to be working with Haryana Police and earning a salary of Rs. 7,000/- per month.

9. The claimants did not examine any eye-witness to the accident. However, they placed reliance upon the final report submitted under Section 173 Cr.P.C. to establish the manner of the accident and the involvement of the offending vehicle.

10. The only material relied upon by the claimants to prove rash and negligent driving on the part of respondent No. 1 is the final report under Section 173 Cr.P.C. The claimants-appellants have invoked the principle of *res ipsa loquitur* and contended that the registration of the FIR and the investigation culminating in the filing of the final report against respondent No. 1 are sufficient to establish negligence on the part of the driver of the offending vehicle.

11. Learned counsel for the appellants-claimants has argued that the learned Tribunal erred in not applying the principle of *res ipsa loquitur*, despite the fact that a final report under Section 173 Cr.P.C. had been filed against respondent No. 1. It is further contended that the Insurance Company had no

locus to challenge the manner of the accident, particularly when respondent Nos. 1 and 2 did not contest the claim petition and were proceeded against *ex-parte*.

12. However, the said contention does not hold much significance unless the appellants-claimants are able to discharge the primary onus cast upon them. It is well settled that the burden to prove the manner of the accident, as well as rash and negligent driving on the part of respondent No. 1 and the involvement of the offending vehicle, squarely lies upon the claimants. Unless such burden is discharged, the claim petition cannot succeed, even in the absence of any contest by the driver and owner or any effective challenge by the Insurance Company.

13. Therefore, the crucial question that arises for consideration is whether the claimants have been able to prove rash and negligent driving on the part of respondent No. 1 and establish the involvement of the offending vehicle in causing the accident.

14. In the present case, except for placing on record the final report under Section 173 Cr.P.C., no substantive evidence has been led by the claimants-appellants to prove the involvement of respondent No. 1 or the manner of the accident as alleged. Significantly, even the Investigating Officer, who conducted the investigation and had filed final report in the case, was not examined.

15. It is no doubt true that a finding of negligence can be arrived at by the Court even in the absence of an eye-witness, on the basis of other cogent and convincing circumstances brought on record. It is equally well settled that the principle of *res ipsa loquitur* is applicable in motor accident claim cases, and in

appropriate cases, the Court may draw an inference regarding negligence and involvement of the offending vehicle even without direct ocular evidence, provided sufficient and reliable material is available on record.

16.           However, in the present case, apart from the final report, no such corroborative or independent evidence has been adduced by the claimants. Even the author of the FIR, namely Tej Narayan Singh, who was cited as a witness, was not examined, and no explanation whatsoever has been furnished for his non-examination.

17.           In absence of any cogent evidence the only conclusion which can be drawn is that the story of appellants- claimants is not free from doubts and is not probable specially when no evidence has been brought on record by the appellants claimants. Nothing could be shown to prove that the accident occurred due to rash and negligent driving of Respondent no.1.

18.           In view of above discussion I do not find any reasons to interfere in well reasoned judgment passed by learned Tribunal.

19.           Appeal is without any merit hence is dismissed.

20.           Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

23.03.2026  
Manoj

**(PARMOD GOYAL)**  
**JUDGE**

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|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |