



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

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FAO-757-2002 (O&M)

Date of decision:02.07.2026

STATE OF HARYANA AND ANOTHER

...APPELLANTS

VERSUS

SAJJAN SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Paramjeet Singh, DAG, Haryana
for appellants.

Mr. Raman Chawla, Advocate
for respondents No.1 and 2.

Mr. R.C. Kapoor, Advocate
for respondent No.3-Insurance company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellants-claimants being partly aggrieved by award dated 19.10.2001 passed by Learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as '**Tribunal**'), wherein appellants-claimants had sought compensation on account of damage suffered by their bus bearing registration No.HR-39/7015 as well as loss suffered on account of non-plying of bus for the period for which it remained under repairs due to accident dated 04.06.1998 allegedly caused by rash and negligent driving of truck bearing registration No.RJ-10G/325 being driven by respondent No.1.

2. Learned Tribunal accepted the evidence led by appellants-claimants partly and had concluded that accident had taken place on account of contributory negligence of respondent No.1 and that of driver of bus as driver of bus was entering into bus-stand Siwani from out-gate instead of in-

gate.

3. Learned counsel for appellants-claimants has challenged findings of contributory negligence as well as amount of compensation awarded by learned Tribunal being inadequate.

4. On the other hand, learned counsel for respondent No.3-Insurance Company has defended impugned award and had submitted that from evidence of driver of bus, Ran Bir Singh-PW1, it was clearly made out that it was he, who was driving the bus rashly and negligently and was entering into the bus stand from the wrong side and gate, resulting into the said accident. Learned counsel for respondent No.3-Insurance Company has defended finding of contributory negligence and amount of compensation so recorded by learned Tribunal.

5. Facts in present case are not much in dispute. As per appellants-claimants as well as written statement of respondents No.1 and 2, the case of respondents was that accident had taken place when the bus was entering into the bus-stand Siwani from wrong gate and while offending truck was coming from the opposite side.

6. Learned Tribunal has rightly noticed the contents of evidence of PW1, wherein PW1 had fairly admitted that bus entered from out-gate instead of in-gate. Learned Tribunal had also taken into consideration the site plan placed on record while recording finding of contributory negligence.

7. This Court does not find any error in the approach of learned Tribunal. In present case, it was duty of drivers of both the vehicles to drive their respective vehicles carefully and as per traffic rules. In the present case,

bus was trying to enter from out-gate at the time of accident which was not permissible. The driver of the bus ought to have entered the bus into bus-stand only through in-gate, which goes to show that the driver of the bus was also driving the bus in a rash and negligent manner in violation of traffic rules and thus had clearly contributed in causing of accident. Similarly, truck driver, who was coming from opposite side, had failed to take proper caution which resulted in accident. Therefore, both the drivers of bus and truck respectively have rightly been held to have contributed in causing the accident. Hence, no interference is justified in the well-reasoned findings of learned Tribunal based upon evidence on record.

8. As far as quantum of compensation is concerned, again no interference in present appeal can be made. Admittedly, the entire bill as proved by appellants-claimants has been admitted and awarded by learned Tribunal. As far as loss suffered on account of damage to the vehicle is concerned, nothing could be shown to justify further enhancement. Faced with this, learned counsel for appellants-claimants argued that bus had remained under repairs from 08.06.1998 to 09.07.1998 and due to non-plying of bus for about one month, appellants-claimants have suffered loss of Rs. 1,34,400/- which stands duly established vide Ex.P33, wherein income from bus was shown to be Rs.4410/- per day @ 12.60/- per kilometre.

9. On consideration, this Court does not find any merit to award compensation under the abovesaid head only on the basis of Ex.P33 as same only goes to show the total assumed revenue being generated on account of plying of bus and does not reflect the profit incurred on account of plying of

said bus. Expenses incurred to ply the bus i.e. petrol/diesel, salary of driver and conductor has also not been placed on record. In these circumstances, no reliance upon Ex.P33 can be placed to award compensation for loss of income on account of non-plying of bus.

10. In view of above discussion, present appeal is dismissed being without any merit.

11. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

02.07.2026
Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>