



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5321-2003

Date of decision: 05.03.2026

Sharanjit Kaur

. . . . Appellant

Vs.

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ishan Cooner, Advocate, for
Mr. J.S. Cooner, Advocate, for the appellant.

Mr. Gaurav Garg, AAG, Haryana.

Mr. Paul S. Saini, Advocate,
for respondent No.3-Insurance Company.

DEEPAK GUPTA, J.

It is an injured-petitioner's appeal against the award dated 29.09.2003 passed by the learned Motor Accident Claims Tribunal, Ambala, whereby the claim petition filed by the appellant seeking compensation on account of injuries sustained in a motor vehicular accident was dismissed.

2. As per the case set up by the appellant-claimant, on 11.10.2000, she was proceeding from Ambala Cantt. to Mohali on her newly purchased Kinetic Honda scooter in order to attend her duty. She was driving at a moderate speed. At about 10:30 AM, when she reached near Zirakpur, she noticed that the lane meant for vehicles moving from Ambala towards Chandigarh had been closed on account of repair work. Consequently, vehicles from both directions were plying on the lane meant for traffic moving from Chandigarh towards Ambala. When the appellant reached the T-point at Zirakpur and turned her scooter on the said lane, and had traveled only about 10-15 feet after taking the turn, a bus bearing registration No. HR-37-1013 allegedly came from the Ambala side and hit her scooter from behind. The bus was allegedly being driven by respondent No.1 in a rash and negligent manner. Due to the impact, the appellant

sustained multiple injuries. She was first taken to Government Medical College and Hospital, Sector-32, Chandigarh and was thereafter referred to PGI, Chandigarh for further treatment. According to the appellant, she incurred an expenditure of about ₹1,50,000/- on her treatment and also suffered permanent disability, remaining bedridden for a considerable period. On these premises, she sought compensation of ₹10,00,000/-.

3. The claim petition was contested by the respondents. The primary defence raised was that the accident had not taken place due to the rash and negligent driving of the bus driver, but rather due to the negligence of the claimant herself while driving the scooter. It was further pleaded that the claimant had herself made a statement before the police immediately after the occurrence, wherein she clearly stated that the driver of the bus was not responsible for the accident. Reference in this regard was made to the Daily Diary Report recorded on the basis of her statement.

4. After appreciating the evidence led by the parties, the learned Tribunal held that although the claimant appeared as a witness and attributed negligence to the bus driver, her testimony could not be accepted in view of her own earlier statement made to the police. The claimant had made a statement (Ex.R1) clearly stating that the accident had not occurred due to the negligence of the bus driver and that no action be taken against him. On the basis of this statement, Daily Diary Report Ex.R2 was recorded.

5. The learned Tribunal also took into consideration the testimony of Brij Mohan, driver of the bus, who appeared as a witness. He deposed that on the relevant day, he was driving the bus from Jagadhari to Chandigarh via Ambala. At about 10:30-11:00 AM, when he reached the T-point on the Zirakpur-Kalka road, the bus had stopped at the red light. According to him, the claimant, who was driving the Kinetic Honda scooter, attempted to overtake the bus from the left side at a high speed. However, on noticing that the road towards Zirakpur-Chandigarh was closed, she suddenly turned her scooter towards the right side, lost control and struck

against the footpath. Due to the speed of the scooter, she fell down and skidded on the road, thereby sustaining injuries. He further deposed that no part of the bus had struck the scooter and that he had accompanied the claimant to the hospital and informed the doctor about the circumstances of the accident.

6. The learned Tribunal found that the testimony of the bus driver was consistent and stood duly corroborated by the earlier statement of the claimant herself recorded by the police. The statement Ex.R1 and the Daily Diary Report Ex.R2 were duly proved on record and clearly indicated that immediately after the accident the claimant had categorically stated that the driver of the bus was not at fault. The Tribunal thus held that the version subsequently put forward by the claimant during the proceedings attributing negligence to the bus driver was an afterthought and could not be relied upon.

7. It is well settled that in a claim petition under the Motor Vehicles Act, the burden initially lies upon the claimant to establish that the accident occurred due to rash and negligent driving of the offending vehicle. Although strict rules of evidence are not to be applied in their entirety in proceedings before the Claims Tribunal, the claimant must still place on record cogent and reliable material to establish negligence on the part of the driver of the offending vehicle.

8. In the present case, the claimant's own contemporaneous statement to the police, recorded soon after the accident, clearly exonerates the bus driver of any negligence. Such a statement made at the earliest point of time carries considerable evidentiary value. When the claimant herself had stated that the bus driver was not responsible for the accident, the subsequent attempt to attribute negligence to him during the course of the claim proceedings cannot be accepted in the absence of convincing explanation for the earlier statement.

9. Furthermore, the testimony of the bus driver explaining the manner in which the claimant lost control of her scooter and struck against

the footpath remained consistent and was not effectively discredited in cross-examination. The said version also finds support from the Daily Diary Report recorded on the basis of the claimant’s own statement.

10. In these circumstances, this Court finds no perversity or illegality in the conclusion drawn by the learned Tribunal that the accident had not taken place due to the rash and negligent driving of the bus driver and that the claimant had failed to discharge the burden of proving negligence on the part of the driver of the offending vehicle.

11. `Since proof of negligence is the foundational requirement for maintaining a claim under Section 166 of the Motor Vehicles Act, the failure of the claimant to establish this essential ingredient was sufficient to non-suit her.

12. Consequently, this Court does not find any merit in the present appeal. The findings recorded by the learned Tribunal are based on proper appreciation of the evidence on record and do not call for any interference.

13. The appeal is accordingly dismissed.

05.03.2026
Vivek

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes
Whether reportable	No