



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

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FAO-4530-2002 (O&M)
Date of decision: 19.02.2026

KARNAIL KAUR

...Appellant

Versus

SATPAL SINGH

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Umesh Kumar Kanwar, Advocate
for appellant.

Mr. Vaibhav Sharma, Advocate
for respondent.

PARMOD GOYAL, J.

Appellant-claimant is aggrieved by impugned award dated 04.06.2002 passed by Motor Accident Claims Tribunal, Batala (hereinafter referred to as '**Tribunal**') vide which her claim petition seeking compensation was dismissed. It was held that claimant has failed to prove involvement of respondent in causing accident dated 15.04.1998 while driving tractor bearing registration No.PB 11C 7451 rashly and negligently.

2. It was the case of appellant-claimant that on 15.04.1998, she along with her son namely, Kulwant Singh was going from village Kalyan to village Rajgarh on their scooter bearing registration No.PB 11E 8933. At about 02:00 p.m., when they reached within the revenue limits of village Jahlan Kalan, one tractor bearing registration No.PB 11C 7451 being driven by respondent was found going ahead of them. When son of appellant-claimant tried to overtake the said tractor, respondent accelerated the speed

of tractor and hit against the scooter as a result of which, appellant-claimant fell down from the scooter and suffered multiple injuries. It was the case of appellant-claimant that she was taken to Rajindra Hospital, Patiala and had remained admitted till 17.07.1998. Appellant-claimant was operated twice and resultantly, she suffered shortening of her left leg by 1^{1/2"}. It was asserted that appellant-claimant had spent Rs.50,000/- on her treatment and unable to do her work and walk properly. Appellant-claimant claimed to have lost her earning capacity and has suffered huge loss on account of injuries in the accident.

3. Respondent denied the accident and involvement of his tractor in the accident and prayed for dismissal of claim petition.

4. Following issues were framed by the learned Tribunal:-

1. *Whether claimant Karnail Kaur received injuries on 15.04.1998 due to rash and negligent driving of tractor No.PB-11C-741 by Satpal Singh respondent? If so its effect? OPP*
2. *Whether the claimant is entitled to compensation? If so to what amount and from whom? OPP*
3. *Relief.*

5. Learned Tribunal decided Issue No.1 against the appellant-claimant.

6. Simple case of appellant-claimant is that while overtaking tractor being driven by respondent, tractor had hit their scooter resulting to injuries to appellant-claimant. In order to prove her case, appellant-claimant herself appeared as PW-2 and had examined her son Kulwant Singh as PW1.

7. On the other hand, respondent himself appeared as RW-2 and had examined Parkash Chand as RW-3. False implication of his tractor was asserted and that no accident had taken place with his tractor rather accident had occurred with bicycle.

8. Learned Tribunal after considering respective evidence of parties i.e. of PW1 and PW2 from the side of claimant, RW1 and RW3 from the side of respondent had concluded that it is the evidence of respondent which is more reliable and held that accident had not taken place on account of rash and negligent driving on the part of sole respondent and accident was result of fault of Kulwant Singh s/o injured/claimant who was driving the scooter on which claimant was a pillion rider. Learned Tribunal had found that Kulwant Singh-driver of the scooter which claimant was riding was not holding a valid driving licence and was an untrained driver. It had also found that it was Kulwant Singh who was overtaking the tractor as per his own statement and a vehicle which overtakes another vehicle is bound to take due care and caution which has not been taken by the scooter driver on which claimant was a pillion rider. Learned Tribunal had held that while overtaking, it is the duty of driver of the vehicle which is overtaking to observe that the road is clear, vehicle can safely overtake and he is a trained driver as to negotiate overtaking. Learned Tribunal after appreciating both the sides of evidence, concluded that it is evidence of respondent which is more reliable and is further corroborated by the fact that immediately after lodging of FIR respondent has duly represented to SSP, Patiala for cancellation of FIR and was acquitted in criminal trial after contesting the same. It was accordingly,

held that claimant has failed to prove accident to be result of rash and negligent driving on the part of respondent.

9. On consideration, I do not find any error in the conclusion drawn by learned Tribunal. The conclusion of learned Tribunal is totally based upon appreciation of evidence led by parties. It is worth noticing that on one hand the evidence of PW1 and PW2 i.e. claimant and his son is evidence of interested parties, whereas evidence of RW3 on behalf of respondent is that of an independent person who was not connected with respondent. Evidence of independent witness has rightly been accepted by learned Tribunal in view of the facts and circumstances of the case. Perusal of evidence of RW3 goes to show that his assertion as regards to manner of accident had gone unchallenged and unrebutted. RW3 has clearly stated that scooterist was not hit by tractor being driven by respondent rather when the scooterist was overtaking the vehicle of respondent it had struck against a bicycle coming from opposite side. This fact has not been challenged by claimant in cross-examination of RW3. Further there was no challenge raised by claimant as regards to presence of RW3 at the time of occurrence. Therefore, reliance upon RW3 corroborated by the fact that respondent had been protesting against his false implication in the FIR by writing complaint to the SSP, Patiala and also succeeded in getting himself acquitted in the criminal trial arising from FIR No.100 dated 15.04.1998 lodged by claimant arising out of the accident, in fact goes to corroborate the evidence of RW3 in preference to evidence of claimant who is dependent upon self-serving oral assertions.

10. I also find merit in the conclusion drawn by learned Tribunal that a vehicle which is overtaking another vehicle has to be more careful and primary liability to avoid accident is always upon vehicle which is overtaking. In the present case, except for asserting that offending tractor had increased its speed, no other act of commission or omission has been attributed to the respondent. When a vehicle is overtaking another vehicle and the vehicle going in front increases speed, it will not result in accident unless vehicle overtaking fails to take estimate and take a turn to the left while overtaking the vehicle or when the vehicle being overtaken takes a turn to the right. However, no such turn has been attributed to respondent which clearly shows that respondent had no role in causing the accident as being claimed by claimant. In view of above discussion, I do not find any error in the conclusion drawn by learned Tribunal on issue No.1. Findings of learned Tribunal are accordingly upheld. Claim petition has rightly been dismissed. Appeal is without any merit, hence is dismissed.

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

(PARMOD GOYAL)
JUDGE

19.02.2026
Chiranjeev/Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No