



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3006-2001

Date of decision: 12.01.2026

Manjit Kaur and another

.... Appellants

Vs.

Rulda Singh and others

.... Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. C.L. Sharma, Advocate, for the appellants.

Mr. Gopal Mittal, Advocate,
for respondent No.3-Insurance Company.

DEEPAK GUPTA, J.

This is a claimants' appeal seeking enhancement of compensation.

2. One Sukhdev Singh lost his life in a motor vehicular accident which occurred on 20.03.1999, allegedly due to rash and negligent driving of truck No. DL-1GB-0638. The said vehicle was owned by respondent No.2 – Sardool Singh, father of the deceased; and was being driven by respondent No.1 – Rulda Singh, paternal uncle of the deceased. The mother and sister of the deceased filed a claim petition under the Motor Vehicles Act against the driver, owner and insurer of the offending vehicle.

3. The learned Motor Accident Claims Tribunal, vide award dated 30.10.2000, returned a categorical finding that the claimants had failed to prove rash and negligent driving on the part of respondent No.1. Consequently, the claim petition was not accepted under Section 166 of the Act and compensation was restricted to ₹50,000/- under no-fault liability, as contemplated under Section 140 of the Motor Vehicles Act, 1988.

4. Learned counsel for the appellants contends that the learned Tribunal has erred in appreciation of evidence and that the accident was, in fact, the result of rash and negligent driving of respondent No.1.

5. This Court has examined the record and finds no substance in the contention.

6. The Tribunal has meticulously analysed the evidence and recorded cogent reasons for disbelieving the version of the claimants. Though the accident was sought to be supported by the testimony of AW-2 Tarlok Singh, Sarpanch of the village, the Tribunal noticed that no FIR was lodged by him, despite his claim of being an eyewitness. The Tribunal has further found that his presence at the spot was doubtful and that he appeared to be an introduced witness, who had not actually witnessed the occurrence.

7. More significantly, it has come on record that respondent No.2 – Sardool Singh, father of the deceased, along with respondent No.1 – Rulda Singh, the driver, themselves got recorded DDR Ex.A-2 at the police station. As per the said DDR, the accident occurred due to the steering wheel becoming loose, causing the truck to overturn, and no negligence was attributed to the driver. On the basis of this version, no criminal case was registered, no investigation was conducted, and even the post-mortem examination of the deceased was not got conducted. These circumstances, taken cumulatively, were rightly held by the Tribunal to be fatal to the plea of rash and negligent driving.

8. It is well-settled that in a claim under Section 166 of the Motor Vehicles Act, the burden lies on the claimants to establish negligence. The finding of negligence is a pure finding of fact, and unless it is shown to be perverse or based on misreading of evidence, an appellate Court would not interfere. Learned counsel for the appellants has been unable to point out any perversity or illegality in the reasoning adopted by the Tribunal.

9. In the absence of proof of negligence, the Tribunal was justified in declining compensation under Section 166 of the Act and in restricting the award to statutory compensation under no-fault liability.

10. Consequently, this Court finds no ground to interfere with the well-reasoned award dated 30.10.2000 passed by the learned Tribunal.

 The appeal, being devoid of merit, is accordingly dismissed.

12.01.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>