



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3313-2001

Date of decision: 02.02.2026

RAJ KUMAR

. . . . Appellant

Vs.

Bakhtawar Singh and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Nipun Verma, Advocate, for the appellant.

Ms. Manvi Verma, Advocate, for
Mr. Rajneesh Malhotra, Advocate, for the Insurance Company.

DEEPAK GUPTA, J.

This appeal has been preferred by the claimant against dismissal of his claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Bhiwani, vide award dated 17.03.2001.

2. The case of the appellant-claimant is that on 16.02.1998, he was driving truck No. HR-36-7187 and was proceeding from Meerut towards Lankeshwar (Gujarat). At about 3:00 PM, when he reached the area of Village Chanderiya, truck No. RJ-Q-7322, coming from the opposite direction and allegedly being driven in a rash and negligent manner, collided with his truck. As a result of the accident, the appellant sustained multiple injuries and was taken to General Hospital, Chittorgarh, where he remained admitted till 20.02.1998. The accident was stated to have been witnessed by one Kaliya. It is further pleaded that the matter was reported to the police by the driver of truck No. RJ-Q-7322, falsely attributing negligence to the appellant in order to avoid his own liability.

3. On the basis of the aforesaid allegations, the appellant filed a claim petition seeking compensation. However, the claim was laid against the owner and insurer of the same vehicle, which the appellant himself was driving, though only the driver of truck No. RJ-Q-7322 was impleaded as respondent No.3.

4. Upon appreciation of the evidence on record, the learned Tribunal returned a finding that the accident occurred due to the negligence of the appellant himself. It was noticed that the FIR was registered at the instance of respondent No.3—Sanwar Mal, the driver of truck No. RJ-Q-7322, attributing rash and negligent driving to the appellant—Raj Kumar, driver of truck No. HR-36-7187. Significantly, during cross-examination, the appellant admitted that even after recovering from his injuries, he did not lodge any FIR or complaint against the driver of truck No. RJ-Q-7322. No independent or cogent evidence was produced by the appellant to establish that the accident was caused due to rash and negligent driving of the said vehicle.

5. It is well settled that in a claim petition under Section 166 of the Motor Vehicles Act, the foundational requirement is proof of rash and negligent driving on the part of the offending vehicle. The burden lies upon the claimant to establish negligence by preponderance of probabilities. In the present case, except for the bald assertion of the appellant, there is no material on record to displace the version emerging from the FIR and the admissions made by the appellant himself. The alleged eyewitness was also not examined, nor was any other reliable evidence adduced to prove negligence of the driver of truck No. RJ-Q-7322.

6. In view of the aforesaid facts and circumstances, when the accident has been found to have occurred due to the own negligence of the appellant, who was driving truck No. HR-36-7187, the Tribunal was justified in holding that he was not entitled to claim compensation from the owner or insurer of the said vehicle. A person cannot seek compensation for injuries suffered on account of his own negligence under Section 166 of the Act.

7. This Court finds no illegality, perversity, or misappreciation of evidence in the findings recorded by the learned Tribunal.
8. Accordingly, the present appeal is dismissed.

02.02.2026
Vivek

(DEEPAK GUPTA)
JUDGE

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