



FAO-4627-2003 (O&amp;M)

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

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**FAO-4627-2003 (O&M)**  
**Date of decision: 06.02.2026**

**RAJINDER SINGH****....Appellant****Versus****SUBHASH CHANDER AND ORS****...Respondents****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. Abhinav Kansal, Advocate and  
Mr. Ashit Malik, Advocate for the appellant.

Mr. Gopal Mittal, Advocate with  
Mr. Sunil Aggarwal, Manager and  
Mr. D.S. Sangwan, Assistant Manager  
for respondent No.3-National Insurance Co. Ltd.

**YASHVIR SINGH RATHOR. J.(Oral)**

1. This appeal is directed against the Award dated 05.05.2003 passed by Motor Accident Claims Tribunal, Karnal (**for short "Tribunal"**) in a petition under Section 166 of Motor Vehicles Act, 1988, instituted by the petitioner seeking compensation for the injuries suffered by him which has been dismissed.
2. As per version of petitioner, on 13.07.2000, he was standing on the road after alighting from a three wheeler near Shere Punjab Dhaba on G.T. Road, when the offending car No.DL-4CE-8646 hit him, which was being driven rashly and negligently by respondent No.1 and he sought compensation for the injuries suffered by him.
3. Respondents No.1 and 2 in their written statement have opposed the petition and have taken a plea that accident had taken place due to own negligence of the complainant, as he suddenly came on the road in order to cross the road.



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Dismissal of the petition was sought.

3. Respondent No.3 also filed written statement, challenging the same on the ground of maintainability and estoppel. It is also submitted that the driver of the offending vehicle was holding a valid and effective driving licence and insurance company is thus not liable to indemnify the insured. Remaining pleas taken by it are same as have been taken on respondents No.1 and 2 and dismissal of the petition was sought.

4. From the pleadings of parties, following issues were framed:-

- 1) *Whether the accident took place due to rash and negligent driving of the vehicle No.DL-4CE-8646 by its driver Subhash Chander, resulting into the injuries to the claimant Rajinder Singh? OPP.*
- 2) *Whether the claim petition is not maintainable in the present form?OPR.*
- 3) *Whether the driver of the vehicle in question was not holding a valid and effective driving licence at the time of the accident? If so, its effect?OPR3.*
- 4) *Whether the claimant is entitled to receive compensation. If so, how much and from whom?OPP*
- 5) *Relief.*

5. However, petitioner failed to lead any evidence in support its case and learned Tribunal decided issue No.1 against the petitioner and the petition in hand was dismissed.

6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

7. As per version of petitioner, the offending vehicle hit him when he



was standing on the road side, which was being driven rashly and negligently by respondent No.1. However, no evidence has been led by the complainant to prove his case. It is well settled that the claimant is required to lead evidence and to establish that the accident in question had taken place due to rash and negligent driving on the part of respondent No.1, while driving the offending vehicle, which is sine-qua-non for proving the case under Section 166 of Motor Vehicles Act, 1988. However, even the claimant did not step into the witness-box and to offer himself for cross-examination and as such, rash and negligent driving on the part of respondent No.1 has not been proved. There is thus no reason to arrive at a different conclusion, as petitioner has miserably failed to lead any evidence. No interference in the finding on issue No.1 is thus called for.

8. Issue No.2 was decided against respondents, issue No.3 was decided against Insurance Company-respondent No.3, issue No.4 was disposed of as redundant. Accordingly, findings on remaining issues are also affirmed.

9. In view of the aforesaid discussion, there is no merit in the present appeal and the same is ordered to be dismissed.

06.02.2026  
amandeep

(YASHVIR SINGH RATHOR)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No