

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-4614-2004****Chhinder Kaur and others****...Appellants****Versus****Union of India and others****...Respondents****Reserved on: 29.04.2026****Pronounced on: 01.05.2026****Pronounced fully/operative part: Fully****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued by: Mr. D.P. Gupta, Advocate and
Mr. Shubham Gupta, Advocate for the appellants.

Ms. Geeta Singhwal, Advocate for respondent No.1-UOI.

DEEPAK GUPTA, J.

The present appeal has been preferred by the claimants assailing the award dated 03.08.2004 passed by the learned Motor Accident Claims Tribunal, Bathinda, whereby their claim petition filed under Section 166 of the Motor Vehicles Act, 1988 came to be dismissed.

2. The case set up by the claimants is that on 01.08.2002, deceased Tarlok Singh, aged about 42 years, was proceeding on his bicycle near Gate No.4, Railway Station, Bathinda. At that time, a military truck bearing No. 98-D-115150-X, being driven by respondent No.3—Sarup Singh, in a rash and negligent manner, without blowing any horn, suddenly turned towards the left side and struck against the bicycle of the deceased. As a result of the impact, Tarlok Singh sustained grievous injuries and was taken to Civil Hospital, Bathinda, where he was declared brought dead. It was further pleaded that the deceased was earning ₹200/- per day and was the sole breadwinner of the family comprising his widow, five children and aged father. By way of petition under Section 166 of Motor Vehicles Act,



compensation was sought from owner & driver of the offending vehicle.

3. The respondents contested the claim petition by denying the manner of accident and asserting that the accident had occurred due to the negligence of the deceased himself, who was allegedly trying to overtake the truck. The age and income of the deceased were also disputed.

4. On the basis of pleadings, necessary issues were framed. The claimants, in support of their case, examined Jaswant Singh as CW1, who is an eye-witness and author of the FIR, and Chhinder Kaur, widow of the deceased, as CW2. On the other hand, the respondents examined the driver Sarup Singh as RW1 and one D.K. Singh as RW2. Upon appreciation of evidence, the Tribunal came to the conclusion that negligence of the driver of the offending vehicle was not proved and consequently, dismissed the claim petition.

5. Assailing the above finding, learned counsel for the appellants has argued that the Tribunal has misread and mis-appreciated the evidence on record and has applied a standard of proof akin to criminal trials. It is contended that the testimony of CW1, which is consistent with the FIR, has been wrongly discarded without any valid reason. It is further submitted that even the driver of the offending vehicle admitted that he was driving the vehicle at the relevant time and that FIR had been registered against him, which lends support to the case of the claimants.

6. *Per contra*, learned counsel for the respondents has supported the findings of the Tribunal and contended that the deceased himself was negligent, as he was attempting to overtake the truck.

7. I have heard learned counsel for the parties and carefully gone through the record.

8. It is not in dispute that the accident in question did occur on 01.08.2002 and that Tarlok Singh died as a result of injuries sustained



therein. It is also not disputed that respondent No.3—Sarup Singh was driving the offending vehicle at the relevant time.

9. The core issue, therefore, is with regard to negligence. A perusal of the testimony of CW1—Jaswant Singh would show that he has categorically deposed that the offending truck was being driven rashly and negligently and that without giving any horn, it suddenly turned left and struck the bicycle of the deceased. His testimony is in consonance with the version given in the FIR and nothing substantial could be elicited in his cross-examination to discredit his testimony.

10. The Tribunal discarded the testimony of this witness primarily on the ground that he did not know the driver of the vehicle earlier. Such reasoning, in the considered view of this Court, is wholly untenable, particularly when the driver himself admitted that he was driving the vehicle at the relevant time.

11. The defence version set up by the respondents that the deceased, who was riding a bicycle, attempted to overtake a military truck from the left side does not inspire confidence and appears to be inherently improbable.

12. More importantly, the Tribunal has clearly erred in applying an incorrect standard of proof. It is well settled that proceedings under the Motor Vehicles Act are summary in nature and the claimants are required to establish their case on the touchstone of preponderance of probabilities and not beyond reasonable doubt, as held by the Hon'ble Supreme Court in ***Bimla Devi and others v. Himachal Road Transport Corporation and others* 2009 (13) SCC 530**, and ***S. Kaushnuma Begum and others v. New India Assurance Co Ltd and others*. 2001 (2) SCC 9.**

13. In view of the aforesaid settled legal position and the evidence available on record, this Court is of the considered opinion that the Tribunal has misdirected itself in returning a finding against the claimants on the



issue of negligence. The said finding is, therefore, set aside and it is held that the accident occurred due to rash and negligent driving of the offending truck by respondent No.3.

14. Having held so, this Court proceeds to determine the quantum of compensation.

15. As regards the age of the deceased, the testimony of CW2 establishes that he was about 42 years of age at the time of accident and there is no cogent evidence to the contrary.

16. Insofar as the income is concerned, though it has been stated that the deceased was earning ₹200/- per day, no documentary evidence has been produced. In such circumstances, the income is required to be assessed on the basis of minimum wages prevalent at the relevant time, which are taken as ₹2,125/- per month, i.e. ₹25,500/- annually.

17. In view of the law laid down in ***National Insurance Co. Ltd. v. Pranay Sethi and others (2017) 16 SCC 680***, an addition of 25% towards future prospects is required to be made, as the deceased was self-employed and aged between 40 to 50 years. Thus, the annual income comes to ₹31,875/-.

18. There being seven dependents, deduction towards personal expenses is to be made to the extent of 1/5th in terms of the judgment of the Hon'ble Supreme Court in ***Sarla Verma and others v. Delhi Transport Corporation and another (2009) 6 SCC 121***. Consequently, the annual contribution to the family comes to ₹25,500/-.

19. Applying the multiplier of 14, appropriate to the age of 42 years, the loss of dependency works out to ₹3,57,000/-.

20. In addition thereto, the claimants are entitled to compensation under conventional heads. A sum of ₹1,40,000/- (₹20,000/- each) is



awarded towards loss of consortium to all claimants collectively, ₹10,000/- towards loss of estate, and ₹10,000/- towards funeral expenses.

21. Thus, the total compensation payable to the claimants comes to ₹5,17,000/-. The claimants shall also be entitled to interest @7.5% per annum from the date of filing of the claim petition till realization.

22. Resultantly, the present appeal is allowed. The impugned award dated 03.08.2004 passed by the Tribunal is set aside and the claim petition is allowed. The respondents are held jointly and severally liable to pay the aforesaid compensation to the claimants.

23. Out of the awarded amount, a sum of ₹80,000/- each along with proportionate interest shall be payable to claimant Nos.1 to 6, whereas the remaining amount along with proportionate interest shall be payable to claimant No.7. The appeal stands disposed of in the aforesaid terms.

01.05.2026

Yogesh

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No

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