

2026:PHHC:053175



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

FAO-4290-2002 (O&M)
Date of Decision: 07.04.2026

SMT. BIMLA DEVI AND ORS.

....Appellants

Versus

SURENDER SINGH AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Manisha Rani, Advocate for
Mr. R.N. Lohan, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

CM-15696-CII-2002

The present application has been filed for condonation of delay
of 288 days in filing the appeal.

In view of the averments made in the application, the same is
allowed.

Application stands disposed of.

Main Case

Despite service none has put in appearance on behalf of
respondents No.1 and 2. Accordingly, they are proceeded against *ex parte*.

2. Appellants/claimants are aggrieved by award dated 08.09.1999,
passed by learned Motor Accident Claims Tribunal, Sonapat (hereinafter
referred to as 'Tribunal') vide which Claim Petition under Section 166 of
Motor Vehicles Act, 1988 preferred by LRs of Ishwar Singh-driver of truck

bearing No.HNR-5425 was dismissed.

3. Injured Ishwar Singh (now deceased) had filed the present claim petition under Section 166 of Motor Vehicles Act, 1988 for seeking compensation on account of multiple injuries suffered by him in motor vehicular accident dated 16.06.1996. It was the case of appellants/claimants that the injured (now deceased) was owner of truck bearing registration No.HNR-5425 and was coming from Bangalore to Delhi with respondent No.1-Surender Singh who was on steering wheel when it had met with an accident in the wee hours of 16.06.1996. As per appellants/claimants the driver of truck i.e. respondent No.1 lost control of the truck as he was driving the same at high speed, resulting in fracture of his leg. Accordingly, compensation of Rs.5,00,000/- was sought. During pendency of claim petition, claimant-injured had died and his LRs were impleaded.

4. The claim petition was contested by insurance company alone. Vide its written statement claim petition was contested being not maintainable. It was asserted that injured was not entitled to any compensation as he (Ishwar Singh) was travelling as an owner and respondent No.1 being his employee and his agent, therefore, any act of negligence by servant of claimant cannot be transferred to the insurance company and claim would not fall within purview of Motor Vehicles Act, hence, deserves to be dismissed.

5. Learned Tribunal after considering provisions of Section 147 of Motor Vehicles Act concluded that relationship of employer and employee existed between Ishwar Singh (owner of the truck) and Surender Singh (driver of the truck) and act of Surender Singh would bound Ishwar Singh. The employer is responsible for act of rash and negligent driving on the part

of his employee. Ishwar Singh being owner of truck cannot claim compensation being third party and accordingly, the learned Tribunal had dismissed the suit.

6. Admittedly, claim petition filed under Section 166 of Motor Vehicles Act can only be filed by third party and not by owner against his own driver. The liability of insurance company is to indemnify owner for any loss suffered by him. There is no contract of insurance between respondent No.1 and respondent No.2 and when respondent No.1 was acting as an agent of Ishwar Singh being his employee, then his acts would bound the owner of truck being employer of respondent No.1. Therefore, claim petition cannot be held to be third party and entitled to seek compensation. Learned Tribunal has rightly rejected the claim petition as same is not maintainable.

7. Present appeal is without any merit, hence is dismissed.

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

07.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No