



**FAO-4225-2005(O&M) and
FAO-4226-2005(O&M)**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 240)**

(1)

**FAO-4225-2005(O&M)
Reserved on: 29.04.2026
Pronounced on: 06.05.2026
Uploaded on: 06.05.2026**

Avtar Singh and another

...Appellants

Versus

Sarabjit Singh and another

.....Respondents

(2)

FAO-4226-2005 (O&M)

Harbans Kaur

.....Appellant

Versus

Sarabjit Singh and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

**Present: Mr. Kamal Chaudhary, Advocate,
for the appellants.**

**Mr. Sandeep Suri, Advocate,
for the respondent No.2 (Insurance Company).
(Through VC).**

Amarinder Singh Grewal, J.

1. This order shall dispose of two appeals, i.e. FAO-4225-2005 and FAO-4226-2005, challenging the same Award, dated 24.09.2002 passed by the learned Motor Accident Claims Tribunal, Ludhiana



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(hereinafter referred to as 'the Tribunal'), whereby claim petition filed by them, has been dismissed. For the sake of convenience, the facts are being taken from FAO-4225-2005 titled as '*Avtar Singh and another v. Sarabjit Singh and another*'.

2. Succinctly, the facts of the case are that Sarabjit Singh, Rajinder Singh, Inderjit Singh, Surinder Singh and Harminder Singh had travelled from Ludhiana to Anandpur Sahib in car No. PB-10S-1489 owned by Sarabjit Singh and driven by Narpinder Singh. On 11.05.1999, at about 7:00 AM, they commenced their return journey towards Ludhiana along the embankment of the Bhakhra Canal. While attempting to move the vehicle from a *katcha* passage onto the main road, the front left tyre of the car suddenly bursted, causing the vehicle to plunge into the canal. Upon alarm being raised, passersby managed to rescue Surinder Singh and Harminder Singh, however, Inderjit Singh, Rajinder Singh and the driver Narpinder Singh drowned along with the car and their bodies could not be recovered. In respect of the said accident, DDR No. 7 dated 11.05.1999 was recorded at Police Post Ghamauli, District Ropar. Aggrieved by the same, the present appellants in FAO-4226-2005 and in FAO-4225-2005, filed claim petitions on the account of death of their children Inderjit Singh and Rajinder Singh, respectively, which was dismissed by the learned Tribunal vide Award dated 24.09.2002. Hence, the present appeals.

3. Learned counsel for the appellant in FAO No. 4225 of 2005 as well as in FAO-4226-2005 contended that the Award dated 24.09.2002 passed by the learned Tribunal, is unsustainable in law as well as on facts



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and is liable to be set aside. Further, it was argued that the learned Tribunal adopted a hyper-critical approach while appreciating the evidence, ignoring that proceedings under the Motor Vehicles Act require a humane and liberal consideration rather than strict scrutiny as in criminal trials. Furthermore, the alleged discrepancies between the statement made before the police and the deposition in Court have been misconstrued as material contradictions, whereas, in essence, both versions consistently establish that the vehicle was being driven at a high speed and fell into the Bhakra Canal due to the driver losing control. Additionally, minor omissions regarding the manner in which the occupants were rescued, such as the act of passersby throwing turbans, have been wrongly treated as fatal to the claim despite being wholly insignificant to the core issue of negligence. Lastly, it is contended that the very nature of the accident clearly attracts the doctrine of *res ipsa loquitur*, as the circumstances unmistakably point towards rash and negligent driving by the driver, and the learned Tribunal erred in failing to draw such an inference, thereby resulting in an unjust dismissal of the claim petitions.

4. At the outset, learned counsel for respondent No.2 -Insurance Company in both the appeals, submitted that the award passed by the learned Tribunal does not suffer from any irregularity or infirmity, and that the findings recorded therein are well-reasoned on the basis of the material available before the learned Tribunal. It is accordingly contended that no ground is made out for interference in appeals.



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5. I have heard learned counsel for the parties and examined the record, with their able assistance.

6. A close scrutiny of the evidence reveals that the version put forth by Surinder Singh (PW-2), who is the sole eye-witness, suffers from material inconsistencies. In the earliest version recorded in DDR No. 7 (Ex.P-1), there is no allegation of rash or negligent driving, nor any reference to the driver attempting to save a child. The said version only suggests that the vehicle could not be brought to the side of the road and fell into the canal. However, in the deposition before the learned Tribunal, a materially improved version has been introduced, alleging excessive speed and an attempt to avoid a child. Such an improvement is not a mere embellishment but goes to the root of the manner in which the accident is stated to have occurred, thereby rendering the testimony unreliable.

7. The submission that the discrepancies are minor and inconsequential cannot be accepted. The inconsistencies are substantial and relate directly to the cause of the accident. It is also noteworthy that, in the initial version, no blame was attributed to any person and no action was sought, whereas the allegation of negligence has surfaced subsequently. This shift in stand raises a serious doubt regarding the correctness of the version now sought to be projected by the appellants. Furthermore, this Court cannot lose sight of the fact that even the death of Inderjit Singh and Rajinder Singh in the alleged accident has not been established by cogent evidence. Admittedly, no dead bodies were recovered from the canal and no reliable material has been placed on record to conclusively prove that they



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died in the said occurrence. Moreover, no authority has declared Inderjit Singh and Rajinder Singh as dead.

8. Although it has been alleged that certain passersby, who had gathered at the spot, rescued Surinder Singh and Harminder Singh by throwing their turbans into the canal, none of such persons have been examined as witnesses to support the occurrence in the manner alleged. Further, apart from the testimony of PW-2, no independent or corroborative evidence has been brought on record to substantiate the plea of negligence. The appellants have also failed to satisfactorily establish essential elements such as dependency and loss, which are foundational for grant of compensation under the Motor Vehicles Act, 1988.

9. Insofar as the reliance placed on the doctrine of *res ipsa loquitur* is concerned, the same is misconceived in the facts of the present case. The said doctrine can be invoked only where the circumstances clearly and unequivocally point towards negligence. In the present case, the possibility of the accident having occurred due to factors such as bursting of the tyre or loss of control while negotiating a katcha passage along the canal cannot be ruled out. In such circumstances, no presumption of negligence can be drawn.

10. In view of the aforesaid facts and circumstances, this Court finds no ground to interfere with the award dated 24.09.2002 passed by the learned Tribunal and the same is upheld. Resultantly, the present appeals, FAO-4225-2005 and FAO-4226-2005 are dismissed.

11. Pending application(s), if any, shall also stand disposed of.



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12. A photocopy of this order be placed on the file of connected case.

**(AMARINDER SINGH GREWAL)
JUDGE**

May 06, 2026
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No