



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

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FAO-5496-2005

Reserved on :17.03.2026

Pronounced on : 25.03.2026

KASHMIR SINGH

...APPELLANT

VERSUS

LAKHE KHAN AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. J.S. Thind, Advocate
for appellant.

Mr. D.R. Bansal, Advocate
for respondent No.3.

Mr. Lalit Garg, Advocate
for respondent No.5

PARMOD GOYAL, J.

Present appeal has been preferred by injured-appellant-claimant challenging award dated 04.08.2005 passed by Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as '**Tribunal**'), whereby the claim petition under Section 163A of Motor Vehicles Act, 1998 was dismissed vide which compensation of Rs.6,00,000/- on account of injuries sustained and permanent disability resulting from motor vehicular accident dated 16.04.2003 caused by respondent No.1 due to rash and negligent driving while driving truck bearing registration No.RJ-07G-3216 and also by involvement of truck bearing registration No.HR-39-7445 being driven by appellant-claimant, was sought.

appellant-claimant not entitled to any compensation and held his claim petition not maintainable and accordingly had dismissed the said claim petition.

3. Appellant-claimant in his claim petition had asserted that on 16.04.2003 he was driving truck bearing registration No.HR-39-7445 and had started from Bikaner, Rajasthan for Ambala, Haryana after loading his truck along with Kulwinder Singh, conductor. At about 08:30 a.m., when they reached near village Masruwala within jurisdiction of police station Hanumangarh Junction, all of a sudden, 10 to 12 cows had appeared on road and in order to save the aforesaid cows, appellant-claimant had applied the brakes and in said process, truck had struck against the truck bearing registration No.RJ-07G-3216. Kulwinder Singh, conductor had died on account of injuries sustained in the accident and appellant-claimant was initially taken to Pili Banga P.H.C., from where he was shifted to Sirsa.

4. Appellant-claimant had claimed loss on account of injuries due to accident dated 16.04.2003 between truck bearing registration No.RJ-07G-3216 being driven by respondent No.1 and truck bearing registration No.HR-39-7445 being driven by him. However, after considering evidence led by appellant-claimant, the learned Tribunal had concluded that appellant-claimant is not entitled to any compensation as the claim petition was not maintainable. It was held that appellant-claimant is facing trial in FIR No.260 dated 16.04.2003 for causing the accident in question. It was also noted by learned Tribunal that appellant-claimant has not agitated his involvement in FIR for causing the accident and not protested before higher

authorities against lodging of FIR. The accident, as per respondents, was the result of rash and negligent driving of appellant-claimant. The only evidence to prove the manner of accident is statement of appellant-claimant himself, which is totally self-serving and against contents of FIR No.260 lodged against appellant-claimant. Therefore, claim of appellant-claimant has been rejected by learned Tribunal, in view the fact that FIR was lodged against appellant-claimant himself for causing the accident due to his rash and negligent driving of his truck.

5. On consideration, I do not find any fault with the conclusion drawn by Learned Tribunal in the facts and circumstances of the case. Admittedly, it is appellant-claimant against whom FIR No.260 dated 16.04.2003 was lodged for causing the accident due to his rash and negligent driving for which he is, facing trial. No protest was ever raised by appellant-claimant regarding lodging of FIR as well as against his prosecution for causing the accident. Faced with this learned counsel for appellant-claimant had argued that since the claim petition was filed under Section 163A of Motor Vehicles Act, 1998 therefore appellant-claimant is entitled to compensation for no fault even if the accident was result of his rash and negligent driving. However, there is no merit in the contention raised on behalf of the appellant-claimant. In present case appellant-claimant himself was driving the truck and was responsible for causing accident therefore, cannot be held to be third party.

6. Hon'ble Supreme Court in judgment titled **Ningamma & Anr.**

Vs. United India Insurance Co. Ltd., 2009 (3) RCR (Civil) (SC) 435: 2009

(4) PLR 796 had held that person who was driving cannot be covered by term “third party” and therefore, the claimant is not entitled to any compensation. **In Asha Rani & Ors. Vs. Shiv Ram**, 2012 (3) PLR 277 by applying decision of Hon’ble Supreme Court in **Ningamma & Anr. Vs. United India Insurance Co. Ltd., (supra)** it was held that person who had stepped in shoes of owner was not entitled to compensation under Section 163-A. Similarly in **The Divisional Manager, TATA AIG General Insurance Company Limited Vs. A.C. Jagadeesann & Ors., MANU TN 1760 2022**, it was again held that owner / person who had stepped in shoes of owner cannot be held third party as to claim compensation u/s 163-A of Motor Vehicles Act, 1988.

7. In view of above discussion, no error with the conclusion drawn by learned Tribunal can be found. The claim petition filed by appellant-claimant was not maintainable, therefore, the same was rightly dismissed by Learned Tribunal.

8. Present appeal is dismissed being without any merit.

9. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

25.03.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No