



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 27.01.2026

FAO-471-2008(O&M)

Ujagar Singh

...Appellant(s)

Vs.

Ram Kala Sharma & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajeev Godara, Advocate
for the appellant.

NIDHI GUPTA, J.

Present appeal has been filed by injured-claimant seeking enhancement of compensation of Rs.1,24,450/- awarded by the Motor Accident Claims Tribunal, Sirsa (hereinafter 'the learned Tribunal') vide Award dated 08.08.2007 passed in MACT Case No.105 dated 21.09.2005 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. The learned Tribunal upon appraisal of pleadings and oral & documentary evidence adduced by the parties, concluded that *"from the perusal of the evidence on record it is made out that it was a head-on collusion accident and moreover the driver of the Tata Sumo also did not use dipper so it was a case of contributory negligent and it is held that both the drivers of the aforesaid vehicles were equally responsible for the said*



accident and it was not only on account of rash and negligent driving on the part of driver of Four Wheeler i.e. Respondent no.1.” Accordingly, while awarding the above compensation, the learned Tribunal had made a deduction of 50% towards contributory negligence thereby granting a sum of ₹62,250/- to the appellant. The above said compensation has been awarded along with interest @ 7.5% per annum. The respondent no.3/ Insurance Company has been granted recovery rights against the respondents no.1 and 2.

3. It is inter alia submitted by learned counsel for the appellant that the learned Tribunal was in patent error in making a deduction of 50% towards contributory negligence as it failed to appreciate that the respondent No.1/Driver of the offending vehicle has not pleaded any contributory negligence on part of Pargat Singh, who was driving the vehicle/Tata Sumo, in which the appellant was travelling. It is submitted that in the absence of any such pleading by the respondent No.1, the learned Tribunal could not have given a finding of contributory negligence against the driver of the appellant. It is further submitted that as per the evidence on record, the vehicle of the appellant was going on the left and correct side of the road. As such, the Claimants’ side could not have been held liable for contributory negligence. It is accordingly prayed that the finding of contributory negligence be set aside.



4. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

5. The pleaded case of the appellant before the Tribunal is that:-

"2. As per claimants' version on 8.2.2005 at about 8.30/9.00 P.M., the petitioner Bhadar Ram alongwith other persons belonging to his village namely Kapoor Singh son of Gurdayal Singh, Ujagar Singh son of Maan Singh and Baldev Singh son of Balkar Singh had gone to attend the marriage in village Thaska in a Tata Sumo bearing registration No. RJ-31C/2065 being driven by Pargat Singh son of Hazura Singh and when they crossed village Bata towards Kalayat one four-wheeler bearing registration No.HR- 64/1039 came towards Kalayat Town being driven by respondent no.1 rashly and negligently and at a high speed and caused accident with Tata Sumo as a result of which claimant Bahadar Ram and other occupants Pargat Singh and Ujagar Singh sustained injuries and that respondent no.1 driver of the offending four-wheeler ran away, from the spot, leaving the four- wheeler at the spot and the said accident took place due to rash and negligent driving of respondent no.1, driver of the four wheeler and that Tata Sumo was also turned turtle. The matter was reported to the police vide FIR No. 15 dated 10.2.2005 under Sections 279 and 337 IPC against respondent no. 1.

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4. In another petition filed by Ujagar Singh injured, aged 60 years also claimed earning Rs.5000/- per month from agriculture and that he also received grievous injuries on the



left side of his fore-head and other parties of his body and that he remained under treatment for 1-1/2 months and firstly treated at Narwana from the date of accident till 9.2.2005 in General Hospital, Narwana and then up to 17.3.2005 at Jain Hospital, Sirsa and spent Rs.50,000/- on his treatment and claimed an amount of Rs.2 lac.”

6. A perusal of the record of the case shows that PW3 Bahadar Singh who was also travelling in the Tata Sumo bearing registration no. RJ-31C-2065, along with the appellant, had admitted in his cross-examination that the accident was a head-on collision between the Tata Sumo and the four wheeler being driven by respondent no.1. Another passenger of the Tata Sumo namely Kapoor Singh, while appearing as PW4 has admitted in his cross-examination that Pargat Singh/driver of the Tata Sumo did not use dipper. The appellant, while appearing as PW5 has submitted his affidavit Ex.PG to the same effect. Therefore, in this background, the learned Tribunal had correctly concluded that:

“10. Thus, in these circumstances from the perusal of the evidence on record, it is made out that it was a head on collision accident, and moreover, the driver of the Tata Sumo also did not use dipper, so it was a case of contributory negligence, and it is held that both the drivers of the aforesaid vehicles were equally responsible for the said accident, and it was not only on account of rash and negligent driving on the part of Driver of four wheeler i.e. Respondent no.1.”



7. Accordingly, in view of the above evidence, the learned Tribunal had correctly concluded that as the accident was a case of head-on collision, there was negligence on part of the Driver of the Tata Sumo as well as respondent no.1. In this regard, I find support from judgment of the Hon'ble Supreme Court in **Bijoy Kumar Dugar v. Bidyadhar Dutta, (SC) : Law Finder Doc ID # 119539**, wherein it is held that:-

"A. Motor Vehicles Act, 1988, Section 168 - Fatal motor accident - Contributory negligence - Head on collision between car and bus - Death of driver of car - Drivers of both the vehicles should be held responsible to have contributed equally to accident when there is head on collision - Insurance company of bus to pay half of the compensation awarded by Tribunal - Car was not insured."

8. In the above noted factual and legal position, no ground is made out to interfere in the impugned Award.

9. No argument has been advanced on behalf of learned counsel for the appellant in regard to the quantum of compensation.

10. Present appeal accordingly stands **dismissed**.

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

27.01.2026
Sunena

(Nidhi Gupta)
Judge

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