



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

FAO-3910-2012 (O&M)
Date of Decision: 05.03.2026

Suba Singh

....Appellant

V/s

Dhyan Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. R.S. Budhwar, Advocate, for the appellant.

Mr. Suvir Dewan, Advocate,
for respondent No.2-insurance company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been instituted by the driver/owner assailing Award dated 01.03.2012 passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as “the MACT”), vide which the claim petition preferred under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”) for the grant of compensation on account of injuries caused in a motor vehicular accident, which took place on 09.04.2011 was allowed.

2. The facts, as emanating from the paper-book are that on 09.04.2011, the respondent No.1-claimant (Dhyan Singh) along with his brother Gian Singh was going from Dera Chakchakatian to Kurukshetra to get a television repaired on a motorcycle bearing registration No.HR-09-C-3070, which was being driven by the claimant Dhyan Singh. At about 11:00 a.m, when they had reached 1 k.m. ahead of Village Bachgaon, the appellant herein (Suba Singh), while driving his motorcycle bearing registration No.HR-07-G-0293 (hereinafter referred to as “the offending vehicle”) in a rash and negligent manner and without observing traffic rules, came from

the side of a cement shop. He had loaded two bags of cement on his motorcycle. He dashed his motorcycle against the motorcycle of the claimant. As a result of the impact, the claimant fell on the road, whereas his brother fell on the unmetalled portion of the road. The claimant suffered fractures of the 7th, 8th and 9th ribs and also received multiple grievous injuries on various parts of his body. The television of the claimant was also broken. The claimant was shifted to Bhola Hospital, Kurukshetra by his brother Gian Singh in a private vehicle, where he remained admitted from 09.04.2011 to 25.05.2011. A sum of Rs.1,00,000/- was stated to have been spent on his treatment, transportation, special diet, etc., and the claimant was still under treatment.

3. FIR No.109 dated 11.04.2011 under Sections 279 and 337 IPC was registered at Police Station Sadar Thanesar.

4. The claim petition was opposed by the respondents. All averments were denied. The driver and owner of the offending vehicle (appellant herein) claimed that the accident had taken place on account of the rash and negligent driving of the claimant (Suba Singh).

5 The insurance company raised its usual defenses in the written statement and denied the factum of the accident.

6. From the pleadings of the parties, the following issues were raised:-

“1. Whether accident in question took place as alleged?OPP

2. If issue No.1 is proved whether the claimant suffered permanent disablement in the accident in question, if so, what amount of compensation the claimant is entitled to?OPP

3. Whether there was a violation of the terms and conditions of the insurance policy and respondent No.2 is not liable to pay any compensation?OPR2

4. Relief.”

7. Parties led their respective evidence.
8. As regards the issue of negligence, the MACT came to the conclusion that the accident was the result of negligence of the appellant (Suba Singh). Since the appellant (owner and driver of the offending vehicle) was not having a valid licence on the date of the accident, he was held liable to pay the compensation to the claimant and the insurance company exonerated.
9. On the issue of quantum, the MACT considered the case of the injured-claimant and awarded the following compensation:-

Sr. No.	Heads of Claim	
1.	Cost of treatment	Rs.30,000/-
2.	Loss of Income	Rs.10,000/-
3.	Pain and suffering	Rs.5,000/-
4.	Attendant, Special Diet and transportation	Rs.5,000/-
5.	Loss of future amenities	Rs.40,000/-
	Total compensation	Rs.90,000/-

10. Aggrieved by the aforesaid award, the owner and driver of the offending vehicle has instituted the present appeal.
11. I have heard learned counsel for the parties.
12. Learned counsel for the appellant has submitted that PW-2 (Dhyan Singh), the claimant, had admitted in his cross-examination that it was a head on collision and, therefore, the accident was proved to be a result of contributory negligence but the MACT erroneously held that the accident had taken place on account of the rash and negligent driving of the offending vehicle by its driver. Still further, learned counsel has submitted that the real brother of the injured-claimant (Suba Singh) namely Gian Singh, who is stated to have been accompanying Suba Singh was not examined whereas, he would have been the best and only reliable witness to depose about the accident. Learned counsel has also submitted that RW-3 (Jeet Singh) had

duly stated in his statement that the offending vehicle was standing when the accident had taken place. Reference has also been made to the site plan (Ex.P-6). It has been argued that it stands proved that the accident had not taken place at the point shown in the site plan. He submits that under the circumstances, the MACT erred in allowing the claim petition and holding that the liability to pay the same was that of the driver and owner of the offending vehicle.

13. On the other hand, learned counsel for the insurance company has submitted that there is no illegality in the findings recorded by the MACT.

14 I have considered the submissions made by learned counsel for the parties but do not find any illegality in the Award, warranting interference.

15. It was the specific case of the claimant that the accident had taken place on one side of the road and that the offending vehicle had come on the wrong side. The claimant had himself stepped into the witness box as PW-2 and had deposed in detail about the accident. The record was perused by this Court during the course of hearing, on production of the same by learned counsel for the appellant. Nothing came in his cross-examination which could have created any doubt in his case. Merely because it came in his cross-examination that it was a head on collision would not mean that it was a case of contributory negligence. The statement has to be read as a whole and isolated parts of the statement cannot be picked up. Even otherwise, it was the categorical case of the claimant that the accident had taken place on the side of the road and that the offending vehicle had come on the wrong side. The site plan (Ex.P-6) also duly proves the same. Under

namely Gian Singh does not cause any dent in his case and further, there is no merit in the argument that it was a case of contributory negligence. A sole line stated by RW-3 (Jeet Singh) that at the time of the accident, the offending vehicle was standing is not believable or acceptable and the MACT rightly rejected the same. In any case, having gone through the impugned Award in its entirety along with the oral and documentary evidence produced by the parties, this Court does not find absolutely any reason to interfere in the well reasoned Award.

16. That being so, the instant appeal is found to be devoid of merit and is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

March 05, 2026

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No