



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

FAO-756-2012

SURJEET SINGH

.....Appellant

Vs.

MANOJ YADAV & ORS.

.....Respondents

Reserved on: 20.03.2026

Pronounced on: 08.05.2026

Uploaded on : 11.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajesh Kumar Moudgil, Advocate
for the appellant.

Mr. Aseem Aggarwal, Advocate
for respondent no.3-Insurance Company.

Mr. R.C. Kapoor, Advocate
for respondent No.5-New India Assurance Co. Ltd.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred for setting aside the award dated 17.10.2011 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal'), whereby, claim petition filed by the appellant/claimant for seeking compensation on the ground of damage to vehicle, was dismissed.

FACTS NOT IN DISPUTE

2. The brief facts of the case are that on 24.1.2010 claimant along with his brother-in-law Dalbir Singh (Sala) and his (Dalbir Singh) wife Smt.



Harjinder Kaur had gone to village Barsat, District Karnal for taking some medicine in Esteem Car No. HR-41B- 4715 of the claimant. After taking medicine they were returning back to their home at Kurukshetra in the said Esteem Car No. HR-41B-4715 which was being driven by claimant Surjeet Singh at normal speed on correct side of the road by observing traffic rules. At about 9.00 a.m. they reached near under construction bridge on G.T. Road just before village Kutail turn and at that time there was deep mist in the Weather and due to which many vehicles were stopped there. Therefore, Surjeet Singh stopped his car. Behind the car of Surjeet Singh one Tavera vehicle No. PB-08AT-5948 had also stopped. In the meanwhile, the offending truck No. HR-55F-6867 came from the back side being driven by respondent No.1 in a rash and negligent manner at a very high speed and straightly struck against the Tavera vehicle and then in turn the Tavera vehicle struck against the Esteem Car of Surjeet Singh from behind, as a result of which, Dalbir Singh and Harjinder Kaur sustained multiple, serious and grievous injuries. Thereafter, respondent No.1 succeeded in fleeing away from the place of accident. After the accident the claimant and other injured were shifted to Aparna Hospital from the place of accident. FIR No. 23 dated 24.1.2010 under section 279, 337 IPC was registered in P.S. Madhuban, District Karnal against the respondent No.1. The Esteem car of claimant Surjeet Singh was badly damaged in the said accident and accordingly, compensation of Rs. 1.5 lac was prayed for.

3. Upon notice of the claim petition, the respondents appeared and filed their separate replies denying the factum of accident/compensation.



4. From the pleadings of the parties, the learned Tribunal framed the following issues:-

- “1. Whether accident in question took place due to rash and negligent driving of his vehicle by respondent no.1 and whether the Maruti Esteem LX MP1 Car No.HR41-B-4715 was damaged in the accident, as alleged, if so, to what effect? OPP*
- 2. If issue No.1 is proved, whether the petitioner is entitled to compensation as prayed for? OPP*
- 3. Whether there was a violation of the terms and conditions of the insurance policy and respondent No.5 is not liable to pay any compensation? OPR-5*
- 4. Relief.”*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. The learned counsel for the appellants/claimants contends that the learned Tribunal erred in dismissing the claim petition only on the ground that the appellants/claimants have failed to prove that the vehicle in which the appellant-claimant was travelling, was insured. Therefore, he prays that the present appeal be allowed.

7. *Per contra*, learned counsel for respondent No.4-Insurance Company, however, vehemently argues on the lines of the award dated



16.07.2008 and submits that the claim petition has rightly been dismissed by the learned Tribunal. Therefore, he prays for dismissal of the appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Before proceeding further, it is appropriate to reproduce the relevant portion of awarded dated 17.10.2011, which is as under:-

“Issue No.1 and 2:

11. Both these issues are taken up together being interconnected and dealt with accordingly.

12. The onus to prove these issues was on the claimant. The learned counsel for the claimant has contended that from the documents, i.e. photographs Mark-P1 to Mark-P5 and from the testimony of PW2 Pankaj, Proprietor Sood Motors and from the statement of claimant Surjeet Singh PW1, it stands proved that Maruti Car No. HR-41B-4715 was completely damaged and estimated bill s Jucprepared by PW2 is Ex.P1. Also mechanical report of vehicle No.HR- 41B-4715 is Ex.P4. So, from the documents it stand proved that vehicle of claimant was totally damaged in the accident completely. The learned counsel for the claimant has further submitted that the respondents were responsible for the damage to the car of the claimant. Also the claimant was using the said car for his personal use and business work and he suffered a lot due to non-availability of car as he could not do his business properly and he had to hire other vehicle for his business use. So, the claimant is entitled to compensation of Rs.3 lac. The claimant when appeared as PW1 stated that the accident took place because of rash and negligent driving of respondent No.1



by driving his truck No. HR-55F-AT-5948 and he suffered loss to the tune of Rs.3 lac and to prove his case the claimant has also examined Pankaj, proprietor of Sood Motors, G.T.Road, Kurukshetra, who has proved estimate bill and according to PW2 the value of the damaged car of the petitioner was around one lac rupees, though, the estimated value as shown in the bill Ex.P1 comes out to more than Rs. 3 lac, the amount claimed but in this case the claimant cannot be granted any compensation as claimant when appeared in the witness box as PW1 has admitted in his cross- examination that his car was not insured. As per section 146 of the Motor Vehicles Act, 1988, he was not allowed to use his car untill and unless he had a policy of insurance complying with the Chapter 11 of the Motor Vehicles Act, 1988 and case of the claimant does not fall within exceptions mentioned in sections 146(2) and 146(3) of the Act. So, by using the vehicle for carrying his relatives for taking medicine to village Barsat, District Karnal, the claimant violated the mandatory provisions of the Motor Vehicles Act, 1988. Had the claimant not brought his vehicle on the road then the accident would not have taken place. So, the fault lies with the petitioner and because of his own wrong the claimant cannot be compensated. So, both these issues are decided against the claimant.”

10. A perusal of the impugned award reveals that the learned Tribunal has rightly dismissed the claim petition filed by the appellant. The findings recorded by the Tribunal are based upon proper appreciation of the pleadings, oral testimony and documentary evidence available on the record



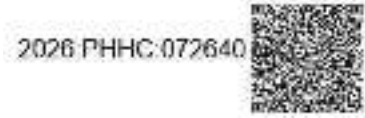
and do not suffer from any illegality or perversity warranting interference by this Court.

11. It stands admitted from the record that the Maruti Car bearing registration No. HR-41B-4715, which allegedly suffered damage in the accident in question and in respect whereof the present claim petition was instituted, was not insured on the date of occurrence. The appellant himself, while appearing as PW1, categorically admitted in his cross-examination that the said vehicle was being plied without any valid policy of insurance.

12. The learned Tribunal has rightly observed that under Section 146 of the Motor Vehicles Act, 1988, no motor vehicle can be used in a public place unless there exists a policy of insurance complying with the requirements of Chapter XI of the Act. The case of the appellant admittedly does not fall within any of the statutory exceptions contemplated under Sections 146(2) or 146(3) of the Act. Thus, the appellant was himself acting in contravention of the mandatory provisions of the statute by plying an uninsured vehicle on the road.

13. Once the use of the vehicle itself was in violation of the statutory mandate, the appellant cannot be permitted to claim equitable relief for the damage caused to such vehicle. A person who himself breaches the provisions of law cannot seek compensation arising out of consequences flowing from his own unlawful act. The principle that no party can take advantage of his own wrong squarely applies to the facts of the present case.

14. The learned Tribunal, therefore, committed no error in holding that the appellant was not entitled to compensation for the alleged damage to



the vehicle. The findings recorded are well reasoned, legally sustainable and based on correct interpretation of the provisions of the Motor Vehicles Act, 1988.

15. Consequently, no ground is made out for interference with the impugned award in exercise of appellate jurisdiction and the same is hereby affirmed.

16. Accordingly, the present appeal is dismissed.

08.05.2025

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

<i>Whether speaking/non-speaking</i>	: <i>Speaking</i>
<i>Whether reportable</i>	: <i>Yes/No</i>