

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2883-2013 (O&M)

AMRIK SINGH AND ANR.

..Appellants

Versus

HARPAL AND ANOTHER

..Respondents

Reserved on: 27.03.2026

Pronounced on: 09.04.2026

Uploaded on: 10.04.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

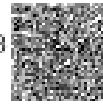
CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Paramjit Singh Thiara, Advocate
for the appellants.

Mr. Kartik Gupta, Advocate and
Mr. Vikas Kumar Sharma, Advocate
for respondents.

SUDEEPTI SHARMA, J.

1. The present appeal has been filed by the appellant/driver & owner of the offending vehicle against the award dated 08.02.2013 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Hoshiarpur (for short, 'the Tribunal'), wherein the appellant/driver of the offending vehicle was fastened with the liability to pay the compensation of Rs.4,90,000/- to the claimant/respondent along with interest @ 6% per annum from the date of filing of claim petition till recovery.

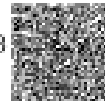
**BRIEF FACTS OF THE CASE**

2. Brief facts of the case are that on 24.10.2009, the deceased alongwith Manjit Kaur wife of Tarsem Lal and Kuldip Kaur daughter of Manjit Singh were coming from Adampur to village Mana on motorcycle bearing no. PB-07V-6011, which was being driven by the claimant on correct side of the road. At about 1:50 PM, when the deceased just reached near Mandialan Petrol Pump, a tractor trolley bearing no. PB-07W-3998 driven by respondent no. 1 rashly and negligently suddenly turned towards Petrol Pump without giving any indicator and hit with the motorcycle of the deceased. Due to the impact of the accident, deceased alongwith Manjit Kaur and Kuldip Kaur suffered various injuries on their bodies. Some passers-by took the deceased and other injured to civil hospital Hoshiarpur from where he was referred to DMC Ludhiana. The claimant remained admitted at DMC Ludhiana up till 14.12.2009. Even the deceased was remained under treatment till his death due to the accidental injuries suffered by him. An FIR no. 341 under Sections 279, 337, 338, 427 IPC was registered on the statement of deceased.

3. Upon notice of the claim petition, respondents therein appeared and contested the claim petition by filing separate written statement denying the factum of accident/compensation.

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

*“1. Whether the claimant suffered injuries in the motor vehicular accident due to rash and negligent driving of tractor trolley no.PB-07W-3898 by respondent No.1?
OPA*



2. Whether claimant is estopped by his act and conduct from filing the present petitioner? OPR

3. To what amount and from whom, the claimants are entitled to receive compensation if any? OPA

4. Relief.”

5. Thereafter, both the parties led their evidence in support of their respective pleadings.

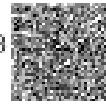
6. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimant/respondent No.2. However, the appellants/driver & owner were held liable to pay compensation. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

7. Learned counsel for the appellants/driver & owner contends that the learned Tribunal has erred in holding that the accident occurred on account of rash and negligent driving of the offending vehicle by the appellant–driver.

8. He further contends that the Tribunal failed to properly appreciate that the accident allegedly took place on 24.10.2009, whereas, Manjit Singh expired on 03.05.2012, i.e., after a lapse of more than two and a half years. According to the learned counsel, there is no cogent evidence on record to establish that the death of Manjit Singh was a direct consequence of the injuries sustained in accident in question.

9. He also contends that FIR No. 341 dated 23.12.2009 under Sections 279, 337, 338 and 427 IPC was registered after an unexplained delay of nearly 02 months from the date of the alleged occurrence, which



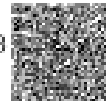
casts a serious doubt on the claimant's version and suggests that the same was lodged with a view to claim compensation from the appellants.

10. It is further argued that the police, after due investigation, had submitted a cancellation report in the FIR on 15.06.2010; however, this material fact has not been taken into consideration by the learned Tribunal while arriving at the impugned findings.

11. Learned counsel further submits that the Tribunal has failed to consider that the claimant did not examine two eye-witnesses, who were allegedly sitting on the pillion seat of the motorcycle at the time of the accident. In the absence of examination of eye witnesses, it cannot be conclusively held that the accident occurred due to rash and negligent driving of the tractor driver.

12. It is lastly contended that the learned Tribunal did not take into account the fact that, subsequent to the accident, a compromise was effected between the parties, pursuant to which an amount of Rs. 32,000/- was paid to the claimant on compassionate grounds. On these grounds he prays that preset appeal be allowed and award be set aside.

13. *Per contra*, learned counsel for respondents No.1 and 2 vehemently argues on the line of award. He further contends that learned Tribunal has rightly held that accident occurred due to sole rash and negligent driving of appellant-driver of the offending vehicle. He further contends that the compensation awarded by learned Tribunal is on the lower side and they filed separate appeal i.e. **FAO-5054-2013** titled as ***Harpal Kaur and Anr. Vs. Amrik Singh and Anr.***, seeking enhancement of



compensation as per the settled law. He therefore, prays that the present appeal be dismissed.

14. I have heard learned counsel for the appellant at length and have meticulously perused the entire record of the case with his able assistance.

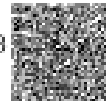
15. Before proceeding to examine the rival contentions, it would be apposite to refer to the findings recorded by the learned Tribunal in the impugned award, the relevant extract whereof stands reproduced hereinabove.

16. Before proceeding further, it is apposite to reproduce the relevant portion of the award, which reads as under:-

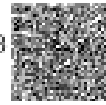
“ISSUES NO.1 AND 3

9. Both these issues are taken up jointly being inter linked and inter connected. The onus to prove both these issues lies upon the claimant.

10. The learned counsel for the claimant has argued that the claimant suffered injuries in a Motor Vehicular Accident with a rash and negligent driving of tractor trolley no.PB-07W-3898 by respondent no.1 and later on claimant has died due to injuries suffered by him in Motor Vehicular Accident. In support of the case claimant Harpal Kaur who is mother of the claimant Manjit Singh appeared in the witness box as AW1. She has deposed in his affidavit Ex.AW1/A that the accident took place due to rash and negligent driving of respondent no.1 and her son Manjit Singh used to ride his motorcycle on a slow speed and correct side of the road. She also deposed that on 24.10.2009, the claimant Manjit Singh alongwith Manjit Kaur and Kuldeep Kaur were coming from village Adampur to village Mana on motorcycle and in the meantime due to rash driving of respondent no.1 an



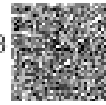
accident took place and her son suffered injuries and he was taken to DMC Ludhiana and injured Manjit Kaur was referred to Narad Hospital Hoshiarpur and her son Manjit Singh remained admitted in DMC Ludhiana up till 14.12.2009 and FIR No.34 was registered against Amrik Singh respondent no.1. She further deposed that she had spent expenditure of Rs. five lacs on the treatment of her son Manjit Singh. She also placed on the file medical bills Ex.A1 to Ex.A188 and copy of FIR A189. The injured Manjit Singh has also stepped into the witness box as AW2 and tendered his affidavit Ex.AW2/A in which he has deposed that on 24.10.2009, he alongwith Manjit Kaur wife of Tarsem Lal and Kuldip Kaur were coming from Adampur to village Mana on motorcycle bearing no.PB-07V-6011 and the said motorcycle was driving by him on the correct side of the road and in the normal speed. He further deposed that when he reached near Mandialan petrol pump, a tractor trolley bearing no.PB-07W-3898 which was being driven by Amrik Singh came at a very high speed in rash and negligent manner suddenly turned towards petrol pump without blowing any horn and struck with the motorcycle and he received injuries and he was referred to DMC Ludhiana and injured Manjit Kaur was referred to Narad Hospital Hoshiarpur and he remained admitted in DMC up till 14.12.2009 and FIR no.341 under Sections 279,337,338,427 IPC was recorded at Police Station Sadar, Hoshiarpur. He also deposed that accident took place due to rash and negligent driving of tractor trolley bearing no.PB-7W-3998 by its driver respondent no.1. He was a skilled carpenter and plumber and was earning near about Rs.15000/- per month and he has also suffered loss of Rs.5 lacs on account of professional loss up till now. The claimant further examined AW3 Kulwinder Singh who is working as Clerk



in DMC and he has produced computerized bills Ex.A191 to A207 which have been issued by their hospital in the name of Manjit Singh. The claimant further examined AW4 Dr. Vishnu Gupta who has deposed that he has brought the record of Manjit Singh vide CR no.123443 and admission no.40480 and admitted on 24.10.2009 and discharged on 7.12.2009. He also deposed that patient was diagnosed to have head injury i.e. depressed fracture of front bone alongwith frontal contusions. He also deposed that patient was operated for the same i.e. elevation and removal of depressed fracture segments and evacuation of frontal contusions alongwith dura plastery. The patient was also operated for fracture femur by Ortho department. The patient was discharged in satisfactory condition on 7.12.2009. The injuries could be suffered in motor accident. He also deposed that patient was readmitted on 12.12.2009 with generalized skin infection i.e. varicella and discharged on 14.12.2009. He also produced record Ex.A29 to A35 and also produced Ex.A35 and Ex.A36 record of follow up treatment of Dr. AK Chaughary. Ex.A36 to Ex.A207 are the summary bills of DMC Ludhiana. A perusal of entire evidence produced by the claimant it is clear that Manjit Singh suffered injuries due to motor vehicular accident.

11. The learned counsel for the claimant has argued that injured Manjit Singh was later on died. As such the claimants who are dependent and legal heirs of deceased Manjit Singh are entitled for compensation. The learned counsel for the claimant has referred **Union of India & Anr. versus Bholi Rai 1(2012) ACC 277** in which Hon'ble Gauhati High Court has held as under:

“Pleading and Proof-Death must have been proved having caused under a Motor Vehicle Accident-Deceased died after 3 years of the accident-



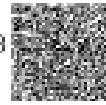
Evidence showing that death was related to the accident-Finding of Tribunal in this regard, found to be without any perversity-Deceased did not join his duty due to leg fracture-Causal connection between accident and death stood proved-Award upheld.”

He further referred New India Assurance Co. Ltd. Versus T.K.Duraiswamy & Anr. II (2012) ACCC 220 in which Hon’ble Madras High Court has held as under:

“Liability of Insurance Company-Three persons riding motorcycle at time of accident with truck-Pillion rider sustained injuries- Tribunal held truck driver fully negligent and Insurance Company made liable- lea that three persons were riding motorcycle due to which it lost control-No evidence that accident caused due to travelling of three persons-Therefore, Insurance Company could not avoid it liability.”

He further referred Tamil Nadu State Transport Corporation versus Rajeshwari & Ors. IV (2011) ACC 146 in which Hon’ble Madras High Court has held as under:

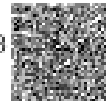
“Quantum-Fatal -26 years- laimants motor and unmarried sister-Tribunal awarded sum of Rs.4,57,000- eduction in compensation-Annual income of deceased considered to be Rs.54000 after deducting 50%, Rs.27,000 comes as dependency-Multiplier of 13 applied-Loss of income of family comes to Rs.3,51,000, Rs.40,000 awarded for loss of love and affection-Rs.5,000 awarded for funeral expenses-Rs.7000 awarded for transport expenses-Total compensation reduced to Rs.4,03,000.”



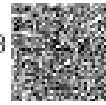
12. On the other hand the learned counsel for the respondents has argued that there is two months delay for lodging the FIR and FIR was cancelled on 15.6.2010 and claimant has also failed to examine two ladies eye witnesses. As such the rash and negligent act has not been proved rather the accident took place due to the own wrong of Manjit Singh and enquiry was made and it was held during enquiry that there is no negligency on the part of respondent no.1. He also argued that a compromise was effected with the claimant on 1.12.2009 and the claimants have received Rs.32000/- vide compromise Ex.RW2/P3. Therefore the claimants are not entitled any compensation.

13. I find no force in the contention raised by the learned counsel for the respondents because the accident has been duly proved by the claimants and death of Manjit Singh has been proved on the file and a perusal of death certificate Ex.RW2/P2 shows that Manjit Singh has died on 13.5.2012 and he expired in Sant Baba Jawala Singh Ji Charitable Hospital Attowal, Hoshiarpur on 13.5.2012 as per certificate Ex.RW2/P1. As such the claimants are entitled for compensation.

14. So far as quantum of compensation is concerned, the claimants have alleged that Manjit Singh was earning Rs.15000/- per month and he was 27 years old and he was a carpenter and plumber but the claimants have failed to prove the net income of the deceased Manjit Singh. As such the net income of the deceased has been assessed Rs.5000/- per month. Therefore annual income of the deceased comes to $12 \times 5000 = 60000/-$. Since the deceased was unmarried, therefore, 50% income has been deducted out of the total income of the deceased as expenditure on his person, therefore, after deduction 50%



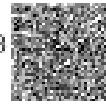
out of the total income of the deceased the net income comes to Rs.60,000/- – Rs.30,000/- = Rs.30,000/-. Since the deceased was 27 years old at the time of his death and Harpal Kaur who is the mother of deceased Manjit Singh might be 50 years old, therefore, multiplier of 10 is suitable in this case and after applying multiplier 10 on the net income of the deceased, the total compensation comes to Rs.30,000/- x 10 = Rs.3,00,000/- and the claimants have also placed on the file medical bills for expenditure on the treatment of Manjit Singh which are about Rs.13 lacs but the bills have not been verified from any concerned doctor. Therefore, the amount for treatment of Manjit Singh has been assessed Rs.two lacs As such, the total compensation comes to Rs.5,00,000/- and the claimants are also entitled Rs.10,000/- as funeral expenses. The claimants are also entitled Rs.12,000/- for love and affection. Therefore, the total compensation comes to Rs.5,00,000/- + Rs.10,000/- + Rs.12,000/- = Rs.5,22,000/-. Since the claimants have already received Rs.32,000/- from the respondents as per compromise Ex.RW2/P3 which has been duly proved on the file. As such this amount is liable to be deducted from the total compensation of Rs.5,22,000/-As such the total compensation comes to Rs.5,22,000/- – Rs.32,000/- = Rs.4,90,000/-. Therefore the claimants are entitled to Rs.4,90,000/- as compensation in equal shares from the respondents no.1 and 2 because the offending vehicle i.e. tractor trolley bearing no. PW-7W-3898 was not insured with any insurance company. As such the respondents no.1 and 2 are liable to pay the compensation amount jointly and severally to the claimants. Therefore both these issues are decided in favour of the claimants and against the respondents.”



17. Having given thoughtful consideration to the submissions advanced, this Court is of the considered view that none of the contentions raised on behalf of the appellant(s) merit acceptance.

18. At the outset, the challenge to the finding of rash and negligent driving attributed to the driver of the offending vehicle is wholly untenable. The learned Tribunal has returned a well-reasoned and cogent finding based on appreciation of both oral and documentary evidence. The testimony of AW2, the injured eye-witness, assumes considerable significance and carries a high degree of evidentiary value. His version with regard to the manner of occurrence is clear, consistent and inspires confidence. The same stands duly corroborated by the testimony of AW1 (Manjit Singh) as well as the medical evidence adduced through AW4 (Dr. Vishnu Gupta), which establishes that the injuries sustained were consistent with a motor vehicular accident. Nothing material has been elicited in cross-examination so as to discredit the said evidence. In such circumstances, the finding of negligence recorded by the Tribunal cannot be faulted.

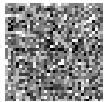
19. The submission regarding delay of approximately 02 months in lodging the FIR is equally devoid of merit. It is trite that in motor accident claim proceedings, delay in registration of the FIR is not fatal when the occurrence stands otherwise established on record. The facts of the present case reveal that the injured remained under prolonged medical treatment, which furnishes a plausible explanation for the delay. Even otherwise, the claim petition is to be adjudicated on the touchstone of preponderance of probabilities, and not on the strict standards governing criminal trials.



20. The contention founded upon the submission of a cancellation report by the police on 15.06.2010 also does not advance the case of the appellant. It is well settled that findings in criminal proceedings are not determinative of proceedings before the Motor Accident Claims Tribunal. The Tribunal is required to independently assess the evidence brought before it. In the present case, the learned Tribunal has undertaken such an exercise and has recorded findings on the basis of reliable evidence; hence, mere submission of a cancellation report cannot *ipso facto* dislodge the claimants' case.

21. The argument that eye-witnesses, travelling on the motorcycle, were not examined, is equally misconceived. The law does not mandate examination of each and every witness to prove a fact. What is required is credible and trustworthy evidence. The testimony of the injured eye-witness (AW2), being a natural witness to the occurrence, is sufficient to establish the manner of accident. Non-examination of additional witnesses, in the face of otherwise reliable evidence, is not fatal to the case of the claimants.

22. The further submission that there is no nexus between the accident dated 24.10.2009 and the death of Manjit Singh on 03.05.2012, also fails to persuade this Court. The medical evidence on record unequivocally establishes that the deceased had sustained grievous injuries, including a head injury and fracture, in the accident and remained under continuous treatment. The learned Tribunal, upon appreciation of the entire material, has rightly inferred a causal connection between the injuries sustained in the accident and the eventual demise of the deceased. No convincing evidence has been led by the appellant to rebut the said conclusion.



23. The plea of compromise and payment of Rs.32,000/- on compassionate grounds is also of no avail to the appellant. Such a payment, in the absence of any legally enforceable settlement extinguishing the claim, cannot operate as a bar to the statutory right of the claimants to seek compensation under the Motor Vehicles Act.

24. In view of the foregoing discussion, this Court finds that the learned Tribunal has appreciated the evidence in its correct perspective and has recorded findings which are neither perverse nor contrary to the material on record. The conclusions arrived at are based on sound reasoning and do not warrant interference in appellate jurisdiction.

25. Accordingly, the findings of the learned Tribunal, as recorded in the impugned award, are hereby affirmed.

09.04.2026

Ayub/Saahil

(SUDEEPTI SHARMA)
JUDGE

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