



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4200 of 2013 (O&M)

NIRMAL SINGH ...Appellant

Vs

MUNISH GROVER ...Respondent

1	The date when the judgment was reserved	12.02.2026
2	The date when the judgment is pronounced	10.03.2026
3	The date when the judgment is uploaded on the website	10.03.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Sahil Soi, Advocate
for the appellant.

Respondent *ex-parte*.

HARKESH MANUJA, J.

[1]. The present appeal is preferred by the appellant-Nirmal Singh challenging the award dated 16.05.2013 passed by the learned Motor Accident Claims Tribunal, Moga, whereby compensation to the tune of Rs.1,33,000/- along with interest @ 9% per annum from the date of filing of the claim petition till realization was granted in favour of respondent/claimant on account of injuries suffered by the respondent/claimant in the motor vehicular accident dated 19.06.2010.

FACTS

[2]. The claimant/respondent, being injured filed a claim petition before the learned Tribunal praying for grant of compensation on account of injuries



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suffered by him while he was proceeding on foot towards the field of Vazir Singh, the offending tractor bearing registration No. PB-33-8894, driven by the appellant in a rash and negligent manner, came from the front side and struck against him, as a result of which he suffered fracture of his right leg and multiple injuries.

[3]. Per contra, the stand of the appellant before the learned Tribunal was that the tractor was parked on the side of the road and the claimant, who was a minor and driving a motorcycle without a valid driving license, struck the same from behind and sustained injuries. It was thus, pleaded that the accident occurred due to rash and negligent driving of the claimant himself.

[4]. After going through the claim petition and evaluating the evidence led by both the parties, learned Tribunal vide award dated 16.05.2013, arrived at a conclusion that the accident occurred on account of rash and negligent driving of appellant and awarded Rs.1,33,000/- as compensation in favour of the claimant/respondent.

[5]. Being aggrieved against the aforesaid award dated 16.05.2013; the present appeal has been preferred by the appellant/respondent for setting aside the award to the extent of liability.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT

[6]. Learned counsel for the appellant contended that the learned Tribunal failed to properly appreciate the evidence on record. It was argued that the alleged eye-witnesses produced by the claimant were not present at the spot and that the testimony of RW1 and RW2, who categorically stated that the tractor was stationary and the motorcycle driven by the claimant hit the tractor from behind,



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was ignored. He further submitted that the claimant was a minor and not competent to drive motorcycle and, therefore, the entire negligence lay upon him.

DISCUSSION AND REASONING

[7]. I have heard learned counsel for the appellant and perused the paper-book of the case.

[8]. A perusal of the record shows that CW1 Savita Rani (mother of the injured) and CW6 Raj Kumar (maternal uncle of the injured) were not present at the place of occurrence at the time of the accident. Their statements are thus hearsay in nature and do not advance the case of the claimant with regard to the manner in which the accident took place.

[8.1]. On the contrary, RW1 Babu Singh and RW2 Ram Lal, who were examined as eye-witnesses, consistently deposed that the tractor of the appellant was parked on the side of the road and the claimant, while driving a motorcycle at a fast speed, struck the same from behind and fell down. Their testimonies remain unshaken on material particulars.

[8.2]. It has also come on record that the claimant was a minor at the time of the accident and not holding a valid driving license. The mechanical inspection report placed on record shows damage to the motorcycle from the front side, which probablises the version put forth by the appellant that the motorcycle had hit the tractor from behind.

[8.3]. At the same time, the factum of registration of FIR and the pendency of the criminal proceedings against the appellant cannot be brushed aside in *toto* and lend some corroboration to the case set up by the claimant.

[9]. In view of the aforesaid evidence, this Court is of the considered opinion that the learned Tribunal was not justified in fastening the entire liability



upon the appellant. The material available on record clearly suggests that the accident occurred due to negligence attributable to both the parties. The claimant, being a minor and driving a motorcycle without a valid driving license, materially contributed to the occurrence. However, the tractor been parked on the road without taking adequate precautions also cannot be ignored to be having contributed the accident.

[9.1]. Accordingly, the present case is held to be one of contributory negligence and, in the facts and circumstances of the case, the contributory negligence attributable to the claimant is assessed at 30%, whereas the remaining 70% liability shall rest with the appellant. However, in view of the modest amount of compensation awarded by the learned Tribunal, i.e Rs.1,33,000/- along with interest @ 9% per annum from the date of filing the claim petition till realization is maintained and shall be treated as full and final.

[10]. The present appeal is disposed of in the above terms. Pending miscellaneous application(s), if any, shall also stand disposed of.

March 10, 2026
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(HARKESH MANUJA)
JUDGE

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