



FAO-6871-2017 (O&M)

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

FAO-6871-2017 (O&M)

National Insurance Co. Ltd.

.....Appellant

vs.

Manjit Kaur & ors.

.....Respondent(s)

Date of Reserve: April 29, 2026**Date of Pronouncement:- 30.04.2026****Date of Uploading:- 05.05.2026**

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: Ms. Ayushi Jain, Advocate for Mr. Pardeep Goyal, Advocate
for the appellant.

Mr. Mukesh Kumar Bhatnagar, Advocate
for respondent No. 1 to 6.

None for respondent Nos. 7 and 8.

SUDEEPTI SHARMA J.

1. The present appeal is preferred by the appellant-Insurance Company against the award dated 08.05.2017 filed under Section 166 of the Motor Vehicles Act, 1988 passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') on the ground of factum of accident and liability of appellant-Insurance Company to pay compensation to the claimants/respondent Nos. 1 to 6.

FACTS NOT IN DISPUTE

2. Brief facts of the case are that on 25.11.2015, Jaswant Singh was coming from Panjokhra Sahib, District Ambala towards his village Nanhera, Tehsil Rajpura on his motorcycle bearing registration No. PB-11-AX-6648 on the correct



him on his separate motorcycle. At about 8.30 p.m., when they reached near Old Toll Tax Barrier Shambhu on National Highway No.1, Chassis of Bus bearing temporary No. DL-3TC-SZ-245 and Chassis No. MAT494053FB00141, Engine No 57SG162AUY802351 was parked in the middle of the lanes meant for plying vehicles from Delhi side to Amritsar side with its face towards Amritsar without parking lights, indicators, etc. In the dazzling lights of the vehicles coming from opposite side on the lanes meant for plying vehicles from Amritsar side to Delhi side, Jaswant Singh could not notice the same and rear portion of the chassis struck against front portion of motorcycle of Jaswant Singh. As a result of that accident, Jaswant Singh fell down on the road side alongwith his motorcycle, suffered multiple injuries including head injury and lost consciousness on spot. Jaswant Singh was taken to Civil Hospital Ambala City by Rajinder Singh in Highway Ambulance. Due to serious condition of Jaswant Singh, he was referred to GMCH Sector 32, Chandigarh, where he died.

3. Upon notice of the claim petition, respondents appeared and admitted the factum of compensation.

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

“1. Whether claimants are the legal representatives of deceased Jaswant Singh and they remained dependent upon that deceased during his life time ? OPC.

2. Whether Jaswant Singh had died in road accident on 26.11.2015, so caused on 25.11.2015 due to rash and negligent act of parking chassis of bus bearing registration No. DL/3TC/SZ-245 by respondent No.1 on road side ? OPC.

3. Whether claimants entitled to are any sort of compensation? If yes, how much and from whom POPC.

4. Whether respondent No.1 Gurmail Singh was not holding valid and effective driving license at the time of accident ? OPR



5. Whether offending bus was not holding valid registration certificate, fitness certificate, etc. if so its effect? OPR

6. Relief.”

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants/respondent Nos. 1 to 6. However, the appellant-Company was held liable to pay the compensation to them. Hence, the present appeal.

SUBMISSION OF LEARNED COUNSEL FOR THE PARTIES.

6. Learned counsel for the appellant–Insurance Company contends that the learned Tribunal did not take into consideration that FIR was registered against unknown person and Gurmail Singh (driver of the offending vehicle) was falsely implicated to get compensation. She further contends that alcohol contents were found in the body of Jaswant Singh (since deceased) which shows that he was driving his motorcycle under the influence of liquor. Therefore, he himself was negligent while driving his motorcycle.

7. She further contends that there was no route permit of the bus at the time of the accident, therefore, recovery rights be granted in favour of the appellant-Insurance Company and the appellant-Insurance Company be excluded from the liability to pay compensation to the claimants/respondent Nos. 1 to 6. She prays that the present appeal be allowed.

8. Per contra, learned counsel appearing for the respondent No. 1 to 6–claimants argues that the learned Tribunal has rightly decided the issue of rash and negligent driving and liability to pay compensation by the appellant-Insurance Company. He further contends that the compensation awarded is on the lower side and the claimants-respondent Nos. 1 to 6 filed separate FAO No. 7035-2017 titled as Manjit Kaur and others vs. Gurmail Singh @ Gurwel Singh seeking



enhancement of the compensation. He, therefore prays that the present appeal be dismissed.

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

10. A perusal of the record shows that FIR was registered against some unknown person, but after investigation, it was found that the accident took place to the negligent act on the part of Gurmail Singh (driver of the offending vehicle) by parking his Chassis of bus on road side. Rajinder Singh in his affidavit Ex.CW2/A stated that he was following Jaswant Singh (since deceased) on that day on his own motorcycle and he is the eye witness to the accident. He stated that at about 8.30 p.m., when they reached near Shambhu Barrier, one chassis of bus was parked on the road side without having any indication i.e. lights, indicators etc. at the backside of that Chassis and with the result, Jaswant Singh could not take notice of that Chassis of bus due to darkness and due to the reflection of lights of the vehicles coming from opposite directions, therefore, his motorcycle struck at the backside of that Chassis and he suffered multiple injuries. He was cross examined at length but his veracity could not be shaken. A report under Section 173 Cr.P.C. was also submitted against Gurmail Singh (driver of the offending vehicle) which proves that the accident occurred due to negligent act on his part. Since he parked his chassis of bus on road side without any indication.

11. So far as contention of learned counsel for the appellant with respect to alcohol contents found in the body of Jaswant Singh (since deceased), there is nothing on record to prove that the deceased lost the balance of his motorcycle or was driving in such a manner to show that he was under the influence of liquor. Therefore, this contention of learned counsel for the appellant is rejected.



12. The factum of accident clearly shows that it was case of negligent act on the part of Gurmail Singh (driver of the offending vehicle) and the findings of learned Tribunal on this issue is hereby affirmed.

13. Now coming to the liability imposed upon the appellant-Insurance company to pay compensation to the claimants/respondent Nos. 1 to 6. A perusal of the finding on issue No. 4 and 5 by the learned Tribunal clearly shows that there is no infirmity in the same since appellant-Insurance company could not prove any violation of terms and conditions of the Insurance Policy. The driving licence, fitness certificate and route permit etc were all proved to be genuine and the Appellant-Insurance Company could not prove the same to be fake.

14. In view of the above, I do not find any infirmity in the impugned award dated 08.05.2017.

15. Accordingly, the present appeal is ***dismissed***.

16. Pending application (s), if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

30.04.2026

Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes