

2025:PHHC:124146



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**Reserved on: September 08, 2025
Pronounced on: September 10, 2025**

FAO No.47 of 1999

State of Haryana and another Appellant

Vs.

Sukhpal Singh and another Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- *Mr. Gaurav Garg, AAG, Haryana for the appellant.

*Mr. Rajiv Sharma, Advocate for respondent No.1.

DEEPAK GUPTA, J.

The present appeal has been filed by the appellants - owners of the offending vehicle (Truck No. HYC-7030), assailing the Award dated 10.10.1998 passed by the learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as "the Tribunal"). Vide the impugned Award, compensation of ₹5,24,000/- along with interest was awarded in favour of the injured claimant–respondent No.1 Sukhpal Singh, on account of injuries sustained by him in a motor vehicular accident.

2. According to the case set up by the injured-claimant, on 13.11.1995, he was returning home on a scooter (No. HR-20B-1008) driven by his Clerk Jai Bhagwan, at a slow speed. When they reached Fountain Chowk near Chhotu Ram Park, the offending truck (No. HYC-7030), driven rashly and negligently by its driver Birbal, came and hit the scooter. As a result, the claimant sustained grievous injuries, including fracture of the thigh

bone. He was a practicing lawyer and also claimed loss of income due to prolonged incapacity.

3. The Respondents i.e., the driver and owners of the truck contested the claim petition, denying the involvement of the truck in the accident. It was pleaded that the claimant himself was driving the scooter under the influence of liquor; while attempting to cross a bullock cart, he lost balance and struck the cart from behind; that Birbal, driver of the truck, had merely stopped at the spot, informed the police, and even assisted in taking the injured to the hospital. It was thus asserted that the accident was not caused by the truck.

4. After framing necessary issues and appreciating the evidence on record, the Tribunal held that the accident occurred due to rash and negligent driving of respondent Birbal while driving the truck. On the basis of medical evidence, expenditure incurred on treatment, and nature of injuries, the Tribunal assessed compensation at ₹5,24,000/-, payable jointly and severally by the driver and the owners of the truck, along with interest.

5. Assailing the award, Learned counsel for the appellants contended:

- The Tribunal erred in disbelieving Birbal (RW4), who categorically denied involvement of the truck and deposed that the claimant hit his scooter against a bullock cart.
- Testimony of Birbal was corroborated by RW1- Vijay Kumar, RW2 - Satish Kumar, and RW3 - Davinder Kumar.
- There was an inconsistency in the claimant's stand, as in the FIR he alleged the truck was ahead of him, whereas in his deposition he stated that it struck from behind.
- Birbal was acquitted by the Special Judicial Magistrate, Hisar, vide judgment dated 31.10.1998 in a criminal case arising from FIR No. 317 dated 14.11.1995, which itself casts a shadow of doubt on the Tribunal's findings.

6. Per contra, learned counsel for the claimant submitted that the Tribunal had rightly appreciated the evidence and concluded that the accident was the result of rash and negligent driving by Birbal. The Award, therefore, calls for no interference.

7. This Court has heard learned counsel for the parties and carefully perused the record.

8. The testimony of injured claimant Sukhpal Singh was found consistent and reliable. He categorically stated that while he was riding pillion on the scooter driven by Jai Bhagwan, the truck, being driven rashly and negligently by Birbal attempted to overtake them near Fountain Chowk. The left footboard of the truck struck their scooter, causing both occupants to fall, resulting in serious injuries to him. His version was corroborated by PW8 Jai Bhagwan, the eye-witness.

9. An effort to discard the testimony of PW8 Jai Bhagwan on the ground that he did not suffer medico-legal injuries was rightly rejected by the Tribunal. Jai Bhagwan explained that he suffered minor injuries, informed the family of the claimant, and later took local treatment. This explanation is credible and does not diminish his status as an eye-witness.

10. On the other hand, the testimony of Birbal (RW4) was unreliable. He introduced RW2 Satish Kumar as an eye-witness, though his presence was never mentioned in the written statement. Ram Parkash, allegedly present with Birbal in the truck, was never examined. Further, Birbal's conduct—escorting the injured to the hospital despite police presence and admitting detention of his truck—indicated involvement of his vehicle in the accident.

11. The acquittal of Birbal in the criminal case does not ipso facto exonerate him in claim proceedings under the Motor Vehicles Act, as the standard of proof in criminal law differs from that in claim cases.

12. In light of the above discussion, this Court finds no infirmity in the well-reasoned findings of the Tribunal. The compensation awarded is just and reasonable. Accordingly, the appeal is dismissed being devoid of merit.

September 10, 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No