



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

**FAO-3411-2025 (O&M)**

**Date of Reserve:-27.08.2025**

**Date of Pronouncement:- 04.09.2025**

Hakam Singh @ Bhola

.....Appellant

vs.

Harwinder Kaur and anr.

.....Respondents

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Joginder Sharma, Advocate, for the appellant.

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**SUDEEPTI SHARMA J.**

1. The present appeal has been preferred by the appellant-Hakam Singh @ Bhola (driver of the offending vehicle) against the award dated 27.03.2025 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Ludhiana (for short, 'the Tribunal'), whereby the learned Tribunal while awarding compensation to the claimant/respondent No. 1, fastened the liability upon the appellant to pay the compensation, on account of death of Gurjiwan Singh in a Motor Vehicular Accident, occurred on 08.12.2017.

**FACTS NOT IN DISPUTE**

2. Brief facts of the case are that on 8.12.2017, deceased Gurjiwan Singh on his own motorcycle make Hero Splendor bearing registration no. PB-28D-5640 and his son Jagjeet Singh on his own motorcycle make CT-100 bearing registration no PB-10GL-7583 were driving from Ludhiana to village Katahari. Jagjeet Singh was behind the motorcycle of deceased approximately 50 meters. At about 6:00/6:15 PM in the evening, when both reached outside the village Sarihn on village Ghawaddi Road, one Tractor make Mahindra which was driven by one



Mulla fashion came negligently from the left side of the road from the fields, which was driven in rash and negligent manner hit the motorcycle of deceased and as Lohe da suhaga of the tractor (leveling the agricultural fields) hit the motorcycle due to which the deceased along with motorcycle fell down at the side of the road and tractor driver fled away from the spot along with tractor. Gurjiwan Singh (since deceased) was severely injured and received numerous injuries on his head, mouth and other parts of the body and motorcycle was also badly damaged from its front side. Jagjeet Singh (since deceased) arranged the vehicle with the help of passer-byes and took the deceased to CMC, Ludhiana for treatment, where doctor declared Gurjiwan Singh dead and dead body of Gurjiwan Singh was sent to mortuary of CMC, Ludhiana. In this regard, FIR no.211 dated 9.12.2017 under Section 279/304-A/427 IPC, was registered at Police Station Dehlon, Ludhiana.

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

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

*“1. Whether Gurjiwan Singh son of Jangir Singh hd died in motor vehicular accident dated 8.12.2017 caused due to rash and negligent driving of respondent No. 1 while driving tractor Mahindra bearing No. PCN-2692 owned by respondent No. 2?*

*OPC*

*2. Whether claimant is entitled to any compensation, if so, to what extent? OPC*

*3. Whether the claim petition is not maintainable? OPR*

*4. Relief.”*



5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal while awarding compensation to the claimant/respondent No. 1, fastened the liability upon the appellant to pay the compensation. Hence the present appeal.

**SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANT**

6. Learned counsel for the appellant–driver of the offending vehicle *inter alia* contends that the learned Tribunal erred in holding that the accident in question occurred due to rash and negligent driving of the offending vehicle. He further submits that while recording such a finding, the learned Tribunal failed to appreciate that the appellant-driver of the offending vehicle had already been acquitted in the criminal proceedings arising out of the FIR registered in relation to the same accident. Therefore, he prays that the present appeal be allowed.

7. I have heard learned counsel for the appellant and perused the whole records of this case with his able assistance.

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

*“22. Further prosecution examined HC Sukhdarshan Singh as PW3 who deposed in his cross examination that he did not see the RC or ownership of the tractor and it is correct that Suhaga was attached with the tractor on the back side and further it is correct that the colour of motorcycle was appearing on Suhaga and it is correct that the front side of motorcycle was damaged and It is correct that there was no damage to the backside of the motorcycle.*

*23. Further prosecution examined PW4 ASI Major singh who deposed in his cross examination that from whose possession the tractor was*



*obtained, he does not know and the tractor was handed over by 10 and He cannot tell who obtained this tractor on sapurdari.*

*24. Further prosecution examined PW5 HC Jagjit Singh who deposed in his cross examination that when the accused Hakam Singh was brought to the police station by Sarpanch Paramjit Singh; he and IO/ASI Jaswinder Singh were sitting within our office and After that he saw tractor No. PCN2692 standing outside the police station. Further he deposed that he did not see accused Hakam Singh carrying/driving the abovesaid tractor.”*

9. A perusal of the impugned award clearly reveals that the contention advanced by the appellant-driver of the offending vehicle that the learned Tribunal erred in holding the accident to have been caused by rash and negligent driving of the respondent-driver in view of his acquittal in the connected criminal case, is wholly untenable.

10. It emerges from the record that the learned Tribunal has specifically dealt with the said contention and has rightly dismissed it by observing that the acquittal of the driver in the criminal proceedings has no determinative bearing upon the adjudication before the Motor Accident Claims Tribunal. It is a settled proposition of law that findings rendered by the criminal court, particularly on the issue of negligence, do not bind the Tribunal. This is for the reason that the standard of proof in criminal trials is one of proof beyond reasonable doubt, whereas in claim proceedings under the Motor Vehicles Act, the Tribunal is required to adjudicate on the touchstone of the preponderance of probabilities.

11. The law in this regard is well crystallized. The learned Tribunal is obliged to appreciate the material placed before it independently, without being



fettered by the outcome of the criminal trial, and must arrive at its own conclusion regarding negligence based upon the evidence adduced in the claim proceedings.

12. This Court has already dealt with the similar question in **FAO No. 84 of 2007 titled as National Insurance Company Limited Vs. Gurnam Kaur and others**, wherein it was held as under:-

*11. So far as the issue whether judgments of Criminal Courts are binding on Civil Courts or Motor Accident Claims Tribunals is no longer res integra, as it has been conclusively settled by various High Courts and the Hon'ble Supreme Court. Reference in this regard may be made to the judgment rendered by the Division Bench of the Madras High Court in C.M.A. No.1369 of 2017 titled as 'TNSTC v. P. Shanthy and Others' dated 28.04.2017. In this case, after a detailed examination of relevant decisions, the Madras High Court held as under:-*

*"Mere acquittal in a criminal case does not automatically lead to the inference that there was no negligence on the part of the driver (RW1) of the bus. The standard of proof required in criminal proceedings is distinct from that in claims before the Motor Accident Claims Tribunal. In such claims, the test is based on the preponderance of probabilities rather than proof beyond reasonable doubt."*

*12. In Vinobabai and Others v. K.S.R.T.C. and Another (1979 ACJ 282), the High Court of Karnataka, addressing this issue, observed as under:-*

*"When a driver is convicted in a criminal trial, such conviction becomes admissible in civil proceedings and*



*constitutes prima facie evidence of culpable negligence. Conversely, the acquittal of the driver in a criminal case does not necessarily establish, even prima facie, that the driver was not negligent, as the threshold for establishing criminal culpability is significantly higher than that required for civil liability.”*

*13. In N.K.V. Bros. (P.) Ltd. v. M. Karumai Ammal and Others (AIR 1980 SC 1354), the Hon’ble Supreme Court dealt with a case where a bus hit an overhanging high-tension wire, resulting in multiple fatalities. Although the driver was acquitted in the criminal trial on the premise that the incident was an act of God, the court rejected the plea that the acquittal should influence the civil proceedings, held as under:-*

*“The standard for proving culpable rashness under Section 304A, IPC, is far more stringent than the negligence required to establish liability under tort law. The Tribunal rightly held the driver liable, as the facts demonstrated negligence on his part, notwithstanding the criminal court’s acquittal.”*

*14. In Himachal Road Transport Corporation v. Jarnail Singh and Others (2009 ACJ 2807), the Himachal Pradesh High Court reiterated the principle by holding that:-*

*“The acquittal of the driver in a criminal trial does not have a binding effect on the findings of the Motor Accident Claims Tribunal regarding negligence. The Tribunal is required to independently determine*



*negligence based on the principle of preponderance of probabilities.”*

*15. From the above referred to decisions, it is clear that the acquittal in a criminal case does not lead to an automatic inference that there was no negligence on the part of the driver / rider of the vehicle. Further, the acquittal of the driver in the criminal case will have no bearing on the findings to be recorded by the Motor Accident Claims Tribunal.”*

13. In the present case, the learned Tribunal, after a comprehensive evaluation of the oral as well as documentary evidence, including the testimony of eye-witnesses and the attendant circumstances, has rightly concluded that the accident in question occurred due to rash and negligent driving of the offending vehicle by appellant. The findings recorded are based on cogent reasoning and proper appreciation of evidence and, therefore, do not warrant any interference.

14. In light of the foregoing discussion and the settled legal position, the findings of the learned Tribunal are well-reasoned, free from infirmity, and merit affirmation. Accordingly, the present appeal, being devoid of merit, stands ***dismissed***.

15. Further it is hereby directed that the statutory amount of Rs.25,000/- deposited by the appellant at the time of filing of appeal, vide draft No. 068062 dated 21.05.2025 in the Registry of this Court be returned to him.

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

**(SUDEEPTI SHARMA)**  
**JUDGE**

**04.09.2025**

Gaurav Arora

Whether speaking/non-speaking : Yes/No  
Whether reportable : Yes