



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

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104

**FAO-957-1994 (O&M)**

**Date of Decision.:29.09.2025**

**Adarsh Kumar (since died) through LRs**

**.....Appellant**

**Vs.**

**Baldev Singh and Another**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. H.S. Kassan, Advocate for the appellant.

Mr. R.C. Kapoor, Advocate for respondent  
No.2-The New India Assurance Co. Ltd.

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**DEEPAK GUPTA, J. (ORAL)**

It is claimant's appeal against the order dated 16.12.1993 passed by learned MACT, Karnal, rejecting his claim petition under Section 166 of the Motor Vehicle Act, which was filed for seeking compensation on account of the injuries sustained in a motor vehicular accident.

2. According to petitioner, on 25.07.1991 he was driving Punjab Roadways bus and had started from Pathankot to Delhi. As he reached near Karna Lake, Karnal, truck bearing registration No. HNC-3255 came from the opposite direction at fast speed and being driven in rash and negligent manner. The front right tyre of the truck burst, due to which truck driver lost the control and struck against the bus, causing injuries to the petitioner as well as other passengers of the bus. Contending that he received serious injuries and got treatment from General Hospital, Karnal and then from PGI, Chandigarh, petitioner sought compensation of ₹4,00,000/-.

3. The claim was contested by the respondent on the ground that

**FAO-957-1994 (O&M)**

accident took place due to own rash and negligent driving of the petitioner, who was driving bus No. PB-12-5876 at the relevant time.

4. Learned Tribunal after framing issues and taking evidence found that accident took place due to the negligence of the petitioner and for this reason, the claim petition was rejected.

5. Assailing the finding, it is contended by learned counsel for the appellant that learned Tribunal failed to appreciate the evidence on record correctly.

6. Refuting the aforesaid contention, learned counsel for the respondent-The New India Assurance Co. Ltd. points out towards para No.3 of the grounds of appeal, wherein the appellant himself admitted that the truck driver having expired, his widow had filed a separate claim petition, in which the Tribunal had held the present appellant to be negligent for causing the accident.

7. Though it is pleaded in the grounds of appeal that against that award in the petition filed by the widow of truck driver, appeal was filed but learned counsel conceded before this Court that he is not aware of any such appeal. On the other hand, learned counsel for the respondent has categorically stated that no such appeal has been found to be ever filed by the appellant against the award passed in favour of the widow of the deceased truck driver. Thus, the finding of the Tribunal in another case, where compensation was allowed to the widow of truck driver, to the effect that it was the appellant i.e. bus driver, who was negligent in causing the accident, has attained finality.

8. Not only above, even if the evidence produced in this case is analyzed separately, it has been found by the Tribunal that perusal of the photograph (Ex.R-1) revealed the position of bus and the truck standing at



**FAO-957-1994 (O&M)**

**-3-**

the road after the accident. It was found that truck was standing on its extreme left side of the road with some of its portion on kacha side; whereas the bus was standing on the extreme right side of the road after the accident. This position was also shown in the site plan of the spot, which was tendered in evidence by the appellant himself. The tribunal rightly concluded that from this position of the two vehicles visible in the photograph, it could be safely concluded that it is the bus, which went towards the right side of the road and then struck against the truck, coming from the opposite direction.

9. In the aforesaid factual position, this Court does not find any ground to interfere in the findings as recorded by the learned Tribunal.

No merits. Dismissed.

All the miscellaneous application(s), if any, stand disposed of.

**(DEEPAK GUPTA)**  
**JUDGE**

**September 29, 2025**

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No