



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

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**FAO No.2248 of 2001 (O & M)**

**Date of decision :-25.07.2025**

**Pritam Kaur**

**.....Appellant**

**Versus**

**Abey Singh Nahar and others**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jaskamal Singh Grewal, Advocate  
for the appellant.

Mr. D.P. Gupta, Advocate  
for respondent No.3-Insurance Company.

**NIDHI GUPTA J. (Oral)**

The present appeal has been filed by the sole claimant/mother of the deceased seeking modification of the Award dated 15.11.2000 passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter 'the learned Tribunal') whereby, although claim petition filed by the appellant under Section 166 of the Motor Vehicles Act (hereinafter referred to as 'the Act') stood dismissed, yet, compensation of Rs.50,000/- has been awarded to the appellant under 'No Fault Liability' under Section 140 of the Act.

Brief facts of the case, as pleaded by the appellant, in the claim petition are that on 07.8.1996 the deceased-Ranjit Singh/son of the appellant was going from Punjab to Gujrat in the Trola No.HR-



26-A-4621 (hereinafter referred to as 'the offending vehicle'), which was being driven by respondent No.2; owned by respondent No.1; and insured by respondent No.3. It was the case of the appellant that the offending vehicle was being driven by respondent No.2 in a rash and negligent manner, because of which the offending vehicle had gone out of control of respondent No.2 and Ranjit Singh had fallen down and had been crushed under the offending vehicle and died at the spot.

The learned Tribunal, on the basis of pleadings and evidence adduced before it, had concluded that the appellant was unable to prove any rash and negligent driving on part of respondent No.2; and hence the claim petition came to be dismissed. However, the appellant was awarded Rs.50,000/- as compensation under Sections 140 and 141 of the Act under 'No Fault Liability'. Hence, the present appeal. Aggrieved of the same, the appellant is seeking enhancement of the compensation so awarded to the appellant.

It is *inter alia* submitted by learned counsel for the appellant that the learned Tribunal was in patent error in concluding that there was no rashness and negligence on the part of respondent No.2 as the appellant had even registered an FIR No.254 dated 07.8.1996 (Ex.P-1) under Sections 279 and 304-A IPC at Police Station Gangrar, District Chittorgarh. Learned counsel contends that from this very fact, it is clear that the respondent No.2 was driving the offending vehicle in a rash and negligent manner. It is contended that from this document, it is established that the accident had occurred due to the rash and negligent driving of respondent No.2. Ex.P-1 was not rebutted by the respondents before the learned Tribunal. It is



accordingly prayed that the impugned Award be modified and compensation awarded to the appellant may be enhanced.

Learned counsel for respondent No.3-Insurance Company opposes the submissions made on behalf of the appellant and submits that it is well established position in law that mere registration of FIR would not imply any negligence on part of the driver. Learned counsel submits that no evidence whatsoever was led by the appellant to show that there was any fault of respondent No.2. It is accordingly prayed that the impugned Award does not suffer from any infirmity; and the present appeal may be dismissed.

No other argument is made on behalf of the appellant.

I have heard learned counsel for the parties and perused the case file. I find no merit whatsoever in the submissions made on behalf of the appellant.

The accident had taken place in Rajasthan. The FIR (Ex.P-1) was also registered in Rajasthan. As per the appellant, the deceased was travelling in the offending vehicle as second driver/cleaner. Although, it has been pleaded on behalf of the appellant that the accident had taken place due to the rash and negligent driving of respondent No.2, however, perusal of the entire record reveals that there is not one whit of evidence on record to remotely indicate any rashness or negligence on the part of respondent No.2. The appellant had adduced no evidence whatsoever to substantiate her said claim. The appellant had only produced PW1 to PW3 to prove the alleged income of the deceased. No doubt, the FIR (Ex.P-1) was tendered in evidence. However, as per the impugned



Award, even the same was not proved as per law as no investigating officer or any other connected person was examined to prove the same. Thus, there is nothing on record to indicate that the accident had taken place due to rash and negligent driving of respondent No.2. Needless to say, the burden was upon the appellant to lead some evidence to show that the accident had occurred due to the fault of respondent No.2. In the absence of any evidence to this effect, it cannot be held that the accident in question had occurred due to any negligence on part of respondent No.2.

In this view of the matter, I find no error in dismissal of the claim petition by the learned Tribunal. In fact, awarding of Rs.50,000/- to the appellant under the 'No Fault Liability' is more than fair and just in the facts and circumstances of the case.

As such no ground is made out to interfere in the impugned Award.

In view of the above, the present appeal is **dismissed**.

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

July 25, 2025

Vijay Asija

( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No