

**In Motor Accident Claims Tribunal, Hoshiarpur, presided over by Dr. Mandeep Mittal,
(UID No. PB-0216)**

MACP No.185/2022
CNR No: PBHO010080462022
Date of Institution: 01.11.2022
Date of award: **14.07.2026**

1. Baljit Kaur aged 70 years wife of Sh. Lal Singh;
2. Lal Singh aged 74 years son of Sh. Kabal Singh;
3. Goga Kirandeep Kaur aged 36 years daughter of Sh. Lal Singh wife of Sh. Baljinder Singh, all residents of Village Rawan, Post Office Jhingar Kalan, PS Dasuya, District Hoshiarpur.

...Applicants/claimants.

Versus

1. Surinder Singh son of Sansar Singh, resident of Village Jhingar Kalan, PS Dasuya, District Hoshiarpur-144205 (since deceased) through his legal heirs/representatives:
 - a) Gurpreet Kaur widow of Sh. Surinder Singh (wife);
 - b) Sansar Singh son of not known (father)
 both residents of Village Jhingar Kalan, PS Dasuya, District Hoshiarpur-144205
(Driver-cum-owner of Mahindra Thar No.PB-07-BG-3730)
2. The New India Assurance Company Limited, G.T. Road, Dasuya, District Hoshiarpur through its Branch Manager.
(Insurance Company of Mahindra Thar No.PB-07-BG-3730 insured vide policy No.36160331210200003755 for period 24.12.2021 to 23.12.2022)

.....Respondents.

And

MACP No.144/2023
CNR No: PBHO010018992023
Date of Institution: 04.03.2023
Date of award: **14.07.2026**

1. Gurpreet Kaur aged about 39 years wife of Late Sh. Surinder Singh;
2. Loveleen kaur aged about 18 years;
3. Lovepreet Kaur aged about 16 years (daughters);
4. Gurnoor Singh aged about 7 years son of Sh. Surinder Singh;
5. Sansar Singh aged about 74 years son of Sh. Ganda Singh;
6. Simar Kaur aged about 69 years wife of Sh. Sansar Singh, all residents of Village Jhingar Kalan, Tehsil Dasuya, District Hoshiarpur. Claimants No.3 and 4 minors through mother claimant No.1 being natural guardian and next friend.

.....Claimants/applicants.

Vs.

1. Happy Navneet Singh son of Sh. Lal Singh, resident of Village Rawan, Post Office Jhingar Kalan, P.S. Dasuya, District Hoshiarpur since deceased through his legal heirs:-
 - (i) Lal Singh son of Sh. Kabal Singh;
 - (ii) Baljit Kaur wife of Sh. Lal Singh;
 - (iii) Goga Kirandeep Kaur daughter of Sh. Lal Singh wife of Baljinder Singh, all residents of Village Rawan, Post Office Jhingar Kalan, PS Dasuya, District Hoshiarpur (Driver-cum-owner of Tractor Trolley bearing No.PB-08-AJ-3087).
2. Insurance Company (if any to be disclosed by the respondent No.1 on his appearance).
3. Harbhajan Singh son of Sh. Bawa Singh, resident of Village Kala Bahian, District Jalandhar.

**Claim petition under Section 166 of Motor Vehicles Act 1988
(as amended from time to time) for grant of compensation.**

Present: Sh. DDS Nayyar, Adv., Ld. counsel for the Claimant/respondent No.1 (i) to (ii) and 3.
 Sh. Raman Mehta, Adv., Ld. Counsel for respondent No.1 (a, b)/claimants.
 Sh. Bharat Raj Nakra, Adv., Ld. Counsel for respondent No.2.

AWARD

1. Both the above stated claim petitions are taken up together to avoid repetition of discussion as they are the result of a common accident in which the both drivers of both the vehicles involved therein expired. The claim petition filed by the applicants/claimants **Baljit Kaur Etc.** is taken and referred to be **the first claim petition** and the claim petition filed by the applicants/claimants **Gurpreet Kaur Etc.** is taken and referred as **the second claim petition** for the sake of convenience.

2. The **first claim petition** has been filed by the claimants under Section 166 of Motor Vehicle Act 1988 for grant of compensation on account of death of Happy Navneet Singh son of Lal Singh in a motor vehicular accident which took place at about 07.15 PM on 17.10.2022 near HP Petrol Pump, little short of Garna Sahib on Dasuya Tanda Road in the jurisdiction of Police Station Dasuya, District Hoshiarpur.

3. The brief facts of this case are that on 17.10.2022, the deceased was returning back to his village from Grain Market, Dasuya after unloading paddy crop, on his tractor trolley No.PB-08-AJ-3087. He was driving his tractor trolley very slowly, carefully and on the left side of the road. At about 07:15 PM when he reached near HP Petrol Pump, little short of Garna Sahib on Dasuya Tanda Road in the jurisdiction of PS Dasuya, District Hoshiarpur a Mahindra Thar No.PB-7-BG-3730 which was being driven by its driver i.e. respondent No.1 Surinder Singh (since deceased) very rashly, negligently and at a high speed came from his backside i.e. Dasuya side. Due to the high speed, the

respondent No.1/driver of Mahindra Thar No.PB-07-BG-3730 could not control his Mahindra Thar and he struck his Mahindra Thar against the backside of the tractor trolley of the deceased with full force by going on the extreme left side of the road. The respondent No.1 Surinder Singh (since deceased) could not further control his vehicle and after hitting the tractor trolley, he further struck the same against road side tree, situated on the left side of the road. As a result of the collision, the deceased fell down on the road and received serious injuries on his person and died at the spot due to the accidental injuries. The respondent No.1 Surinder Singh (since deceased) also died in this accident. The accident took place due to rash and negligent driving of Mahindra Thar No.PB-07-BG-3730 by its driver/respondent No.1 Surinder Singh (since deceased). The accident was witnessed by Rai Singh, Gurdeep Singh and others who were present at the place of accident. Earlier proceedings under Section 174 Cr.P.C. were conducted by the police of PS Dasuya, District Hoshiarpur regarding the present accident but later on, during the investigation of the case, an FIR No.177 of 2022 under Section 279, 304-A, 427 IPC was registered at PS Dasuya, District Hoshiarpur on the statement of Rai Singh against respondent No.1 Surinder Singh (since deceased). It is prayed that claim application be accepted and a compensation of Rs.1,00,00,000/- (Rupees One Crore only) be awarded to the applicants/claimants alongwith interest @ 9% per annum from the date of filing claim application till realization. Hence the petition.

4. Upon notice, the respondents No.1(a) and 1 (b) appeared and filed joint written statement raising preliminary objections that the claimants have

not come to the Court with clean hands. They have suppressed the true and material facts from the Court. The claimants cleverly got registered false FIR No.177/2022 PS Dasuya against a dead person by procuring the false witness on the wrong facts and thus the claim petition is liable to be dismissed on this score alone and that the inquiry against the above said FIR is still pending. The respondents reserve their right to amend the written statement, if new facts come into their knowledge. **On merits**, it is averred that the accident took place at about 7 PM not at 7.15 PM. A false FIR has been got registered by the claimants against a dead person. The registration numbers of the vehicles are correct but the accident took place due to rash and negligence driving of the driver of the tractor-trolley. The claimants suppressed the truth from the Court and manipulated the FIR. The claimants have filed the present claim petition by suppressing the true facts from the Court. In fact, the true facts are that at about 7.00 PM on 17.10.2022, the deceased Surinder Singh was going to his house and when he reached near the petrol pump Garna Sahib, a tractor trolley bearing No.PB-08-AJ-3087 going ahead of the vehicle of the deceased Surinder Singh being driven by its driver namely Happy Navneet Singh in a very rash and negligent manner and due to reflection of the lights of the opposite vehicle, he turned the same towards his left side and the said tractor trolley swing on the right side as a result of which the Thar Jeep of the deceased Surinder Singh struck against the trolley and then with the tree and the deceased suffered serious and grievous injuries and drivers of both the vehicles died at the spot. The accident in question took place due to the rash, carelessness and negligent

driving of tractor-trolley driven by said Happy Navneet Singh and sudden turning of the tractor trolley towards the left side without applying reflector lights/indicators on trolley. The accident was witnessed by Lakhbir Singh son of Banarsi Dass, r/o village Jhindar Kalan, District Hoshiarpur who was the only witness of this accident and proceedings under Section 174 Cr. PC were conducted by the police of PS Dasuya, after registering the daily diary No. 21 dated 18-10-2022 but cleverly the claimants in connivance with the police got registered false FIR No. 177 of 2022 u/s 279, 304A, 427 IPC in police station Dasuya against the dead person in order to get the compensation from the respondents. Hence they prayed for dismissal of the claim petition.

5. The respondent No.2-insurance company filed separate written statement by taking up preliminary objections that the Mahindra Thar bearing registration no. PB-07-BG-3730 was not involved in the accident. However, the applicants have falsely involved the Mahindra Thar bearing no PB-07-BG-3730 in the said alleged accident in connivance with the respondent no. 1 to get false compensation; the Mahindra Thar bearing registration no. PB-07-BG-3730 being allegedly driven at the time of alleged accident by its driver who had no valid and effective driving licence to drive the same. Hence the Insurance Company of Mahindra Thar bearing registration no. PB-07-BG-3730 is absolved from the liability as per the terms and conditions of the Insurance Policy and provisions of Motor Vehicle Act 1988; the Mahindra Thar bearing registration no. PB-07-BG-3730 was being used for the purpose otherwise than the insured and was used for the purpose not covered under the terms and

conditions of policy, and thus the replying Insurance company is not liable to pay any compensation as sought; the replying respondent Insurance Company reserves its right to file an amended written statement, if any, material facts with regard to the alleged accident comes to light during the pendency of the claim application; the claim application is not maintainable in the eyes of law as the claim application has not been filed by the applicants as per the provisions of Motor Vehicles Act and the same is liable to dismissed; the applicants have suppressed the true facts from this Tribunal and thus the applicants are not entitled for any compensation as alleged; the present claim application has been filed in collusion with respondent no. 1, hence the same deserves to be dismissed; the Mahindra Thar bearing registration no. PB-07-BG-3730 was not having a valid registration certificate and fitness certificate at the time of alleged accident. Thus the insurance company is not liable to pay any compensation; as per the Motor Vehicles Act, the respondent no.1 and his legal heirs are under obligation to furnish the insurance policy particulars, date, time and place of accident particulars of persons/injured/killed in the accident, name of driver and number of the driving licence but the respondent No.1 and his legal heirs have failed to comply with the provisions of Motor Vehicles Act; at the time of alleged accident the Mahindra Thar No.PB-07-BG-3730 was being driven in contravention of terms and conditions and limitation to the use of the vehicle prescribed in the policy of insurance and Motor Vehicles Act, 1988 and that owner and insurance company of the tractor bearing No.PB-08-AJ-3087 which was being driven by the deceased Happy Navneet Singh at the time of

alleged accident are necessary parties to the present claim application. **On merits**, it is averred that the applicants have mentioned the monthly income of the deceased as highly exaggerated and without any basis. No claim has been lodged against the answering respondent except the present claim application. The applicants have falsely involved the Mahindra Thar bearing No.PB-07-BG-3730 in the said alleged accident in connivance with the respondent No.1 to get the compensation. No intimation was ever given to the answering respondent either by the applicants or by the respondent No.1 regarding the alleged accident. The claim application against the answering respondent deserves to be dismissed on this score also. No accident took place due to rash and negligent driving of the driver of Mahindra Thar No.PB-07-BG-3730. However, the claimants prove the accident by way of evidence, then the accident took place due to rash and negligent driving of deceased himself. The applicants have failed to implead the owner and insurance company of tractor bearing registration No.PB-08-AJ-3087 and thus the present claim application is liable to be dismissed. Finally, they prayed that the claim application be dismissed.

6. From the pleadings of the parties, the following issues were framed vide order dated 20.03.2023 by my learned predecessor:-

1. Whether Happy Navneet Singh son of Lal Singh died in vehicular accident on 17.10.2022 due to rash and negligent driving of Mahindra Thar bearing registration No.PB-07-BG-3730 i.e. by the respondent No.1 ? OPP

- 2. If the issue No.1 is proved, to what amount of compensation, the claimant is entitled for and from whom? OPP
 - 3. Whether the respondent No.1 was not holding a valid and effective driving licence and other documents i.e. registration certificate, fitness certificate at the time of accident and its effect upon compensation? OPR-3
 - 4. Whether the present claim petition is not maintainable? OPR-3
 - 5. Relief.
7. The claimants examined the following witnesses:

No. of witness	Name of witnesses	Nature of Testimony
AW-1	Balwinder Singh	Regarding employment and salary of Happy Navneet Singh, the deceased.
AW-2	Rai Singh	An eyewitness
AW-3	Baljit Kaur	The claimant No.1

8. The respondents examined the following witnesses:

No. of witness	Name of witnesses	Nature of Testimony
RW-1	ASI Gurnam Singh	Proved on record DDR No.21 dated 18.10.2022.
RW-2	Lakhvir Singh	An eye-witness to the accident.

9. The brief facts of **the second claim petition** Gurpreet Kaur Etc. Vs. Happy Navneet Singh are that at about 7.00 on 17.10.2022, the deceased

Surinder Singh was going to his house and when he reached near the petrol pump Garna Sahib, a tractor trolley bearing No.PB-08-AJ-3087 was going ahead of the vehicle of the deceased being driven by its driver i.e. respondent No.1-Happy Navneet Singh (since deceased) in a very rash and negligent manner and due to reflection of the lights of the opposite vehicle, he turned the same towards his left side and the said tractor trolley swing on the right side as a result of which the Thar Jeep of the deceased struck against the trolley and then with the tree and the deceased suffered serious and grievous injuries and died at the spot. The accident in question took place due to the rash, carelessness and negligent driving of offending vehicle by respondent No. 1 (Happy Navneet Singh) and suddenly turning of the tractor trolley towards the left side without applying reflector lights/indicators on trolley. The accident was witnessed by Lakhbir Singh son of Banarsi Dass, r/o village Jhingar Kalan, District Hoshiarpur who was the only witness of this accident. The drivers of both the vehicles died at the spot and proceedings u/s 174 Cr. PC were conducted by the police of PS Dasuya, after registering the daily diary No. 21 dated 18-10-2022 but cleverly the respondent in connivance with the police got registered false FIR No. 177 of 2022 u/s 279, 304A, 427 IPC in police station Dasuya against the dead person just to get the compensation from the claimants. The matter is still under inquiry. The claimants reserve their right to amend their claim petition, if the new facts came into their knowledge. Finally, they prayed that the claim petition of the claimants be allowed and award of Rs.1,00,00,000/- (One Crore rupees) on account of the vehicular accidental

death of Surinder Singh be passed in favour of claimants and against the respondents with costs and interest. Hence the petition.

10. Upon notice, the respondent No.1 (i) to (iii) appeared and filed joint written statement by taking up preliminary objections that the present claim application is not maintainable against the answering respondents as there was no negligence on the part of respondent No.1 in causing the accident; the present claim application is counter blast to the connected claim application titled '**Baljit Kaur Etc. Vs. Surinder Singh etc.**' which was filed by answering respondents against Surinder Singh i.e. the predecessor in interest of claimants and that the present claim application is bad for non-joinder and mis-joinder of necessary parties. The claimants have wrongly arrayed Happy Navneet Singh as owner of tractor No.PB-08-AJ-3087 whereas the said tractor is owned by Harbhajan Singh son of Sh. Bawa Singh, resident of Village Kala Bahian, District Jalandhar. **On merits**, it has been averred that later on, the police registered FIR No.177 dated 28.10.2022 under Section 279, 304-A, 427 IPC against Surinder Singh deceased. The claim application is a matter of record regarding deceased being driver of Thar Jeep bearing No.PB-07-BG-3730. However, the destination is denied for want of knowledge. However, Mahindra Thar No.PB-07-BG-3730 was also involved in the accident and its driver Surinder Singh was solely responsible for the accident. The amount claim is highly exaggerated and without any basis or norms. The answering respondents are not liable to pay any compensation as there was no negligence on the part of respondent No.1 Happy Navneet Singh in this accident and that the present

accident took place due to sole negligence of Surinder Singh himself. The true facts are that on 17.10.2022, the deceased Happy Navneet Singh was returning back to his village from Grain Market, Dasuya, after unloading paddy crop, on his tractor trolley no. PB-08-AJ-3087. He was driving his tractor trolley very slowly, carefully and on the left side of the road. At about 07:15 PM when he reached near HP Petrol Pump, little short of Garna Sahib on Dasuya Tanda Road in the jurisdiction of PS Dasuya, District Hoshiarpur, a Mahindra Thar No. PB-07-BG-3730 which was being driven by its driver i.e. Surinder Singh very rashly, negligently and at a high speed came from his backside i.e. Dasuya side. Due to the high speed, the driver of Mahindra Thar No. PB-07-BG-3730 i.e. Surinder Singh could not control his Mahindra Thar and he struck his Mahindra Thar against the backside of the tractor trolley of the deceased Happy Navneet Singh with full force by going on the extreme left side of the road. The said Surinder Singh could not further control his vehicle and after hitting the tractor trolley, he further struck the same against road side tree, situated on the left side of the road. As a result of the collision, the deceased Happy Navneet Singh fell down on the road and received serious injuries on his person and died at the spot due to the accidental injuries. The said Surinder Singh also died in the accident. The accident took place due to rash and negligent driving of Mahindra Thar No. PB-07-BG-3730 by its driver Surinder Singh. The accident was witnessed by Rai Singh, Gurdeep Singh and others who were present at the place of accident. Earlier proceedings u/s 174 Cr.PC were conducted by the Police of PS Dasuya, District Hoshiarpur regarding the present accident but

later on, during the investigation of the case, an FIR No.177 of 2022 under Section 279, 304-A, 427 IPC was registered at PS Dasuya, District Hoshiarpur on the statement of Rai Singh against Surinder Singh. Finally, they prayed that the claim application be dismissed.

11. The respondent No.3 also filed the written statement by denying all the averments of the claim petition and prayed for dismissal of the claim petition.

12. From the pleadings of the parties, the following issues were framed by the learned predecessor of this Court on 20.02.2024:

- 1. Whether death of Surinder Singh son of Sansar Singh occurred in vehicular accident on 17.10.2022 due to rash and negligent driving of Tractor Trolley bearing registration No.PB-08-AJ-3087 i.e. by the respondent No.1? OPP
- 2. If the issue No.1 is proved, to what amount of compensation, the claimants are entitled for and from whom? OPP
- 3. Whether the present claim petition is not maintainable? OPR-1
- 4. Whether the claim petition is bad for non-joinder and mis-joinder of necessary parties? OPR-1
- 5. Relief.

13. The claimants examined the following witnesses:

No. of witness	Name of witnesses	Nature of Testimony
CW-1	ASI Gurnam Singh	Proved on record DDR No.21 dated

		18.10.2022, P.S. Dasuya.
CW-2	Gurpreet Kaur	The claimant No.1.
CW-3	Jarnail Singh	Proved the salary record of Surinder Singh (since deceased).
CW-4	Bharat Bhushan	Branch Manager, SBI, Jhingar Kalan Dasuya proved account record of Surinder Singh son of Sansar Singh.
CW-5	Lakhvir Singh	An eyewitness to the accident.

14. It is pertinent to mention here that vide order dated 01.08.2025, the case titled as **‘Gurpreet Kaur Vs. Happy Navneet Singh etc.’ (now being described as the second claim petition)** was ordered to be consolidated with the case titled as **‘Baljit Kaur Vs. Surinder Singh etc.’ (now being described as the first claim petition)** as the accident in both the cases is same.

15. The learned counsel for the claimants in **the first claim petition as well as contesting respondents in the second claim petition** submitted:

- i) Surinder Singh, driver of Mahindra Thar was driving the vehicle with rashly and negligently as has been proved on record. Even otherwise, the Thar hit tractor trolley from its backside;
- ii) AW-2 Rai Singh being the eye-witness proved the rashness and negligence;
- iii) There is no evidence to prove that the tractor trolley was turned towards its right side;
- iv) RW-2 Lakhvir Singh was not eye-witness as he admitted that he reached at the place of accident after 4 minutes of the accident.

- v) There are various material contradictions in the testimony of witnesses.

16. The learned counsel for the claimants in **the second claim petition as well as contesting respondents in the first claim petition** submitted:

- i) The tractor trolley was driven by Happy Navneet Singh without any insurance and it turned towards its right side and due to reflection of light, the Thar hit tractor trolley from its backside;
- ii) RW Lakhvir Singh is the eye-witness to prove their stand;
- iii) AW-2 Rai Singh is created witness as he admitted that he left the spot as he was to go somewhere;
- iv) The DDR was got entered by Jaspal Singh who was their family member but the FIR was got lodged by Rai Singh (AW-2). They changed the complainant which doubts their stand;
- v) There is delay of about 11 days in getting the FIR registered;
- vi) There are various material contradictions in the testimony of witnesses.

17. I have heard the learned counsel for the parties and perused the record on the case file.

18. The connected issues in both **the claim petitions** are accordingly taken together.

Issues No.1 and 2 in the first claim petition

- 1. Whether Happy Navneet Singh son of Lal Singh died in vehicular accident on 17.10.2022 due to rash and negligent

driving of Mahindra Thar bearing registration No.PB-07-BG-3730 i.e. by the respondent No.1 ? OPP

2. If the issue No.1 is proved, to what amount of compensation, the claimant is entitled for and from whom? OPP

Issues No.1 and 2 in the second claim petition

1. Whether death of Surinder Singh son of Sansar Singh occurred in vehicular accident on 17.10.2022 due to rash and negligent driving of Tractor Trolley bearing registration No.PB-08-AJ-3087 i.e. by the respondent No.1? OPP
2. If the issue No.1 is proved, to what amount of compensation, the claimants are entitled for and from whom? OPP

19. These issues are taken up together being interconnected in order to avoid repetition of discussion. In order to prove their case, the claimants of **the first claim petition** examined **Balwinder Singh, SS Master Goverment High School as AW-1** who deposed that he has brought the record regarding employment and salary of Happy Navneet Singh who was working as Headmaster in their school and joined on 25.01.2020 and a copy of the presence report in this regard is Ex.A1. He had joined the department of school education on 17.11.2016 and was to retire on 30.04.2042. His date of birth as per record is 20.04.1984. His monthly salary was being credited in his bank account No.50100316673538 mentioned with HDFC Bank. Ex.A2 is the identity card of the employee. He has brought the Form No.16 for the financial year 2021-22, annual salary of Rs.8,07,662/- was paid by their department to Happy Navneet

Singh. On the said income, no tax was deducted by their department, since the annual salary after deduction was less than Rs.5,00,000/- which was the basic exemption limit. **In his cross-examination**, he stated that the monthly salary of the employee was Rs.65,148/- and the carry home salary was Rs.58,928/-. In the monthly salary, the employee was getting HRA, medical allowance and mobile allowance. He was also contributing towards NPS scheme as every month Rs.5990/- was being deducted towards the said contribution. The record brought by him has been attested by Smt. Parminder Kaur, the head Mistress. Nothing substantial could be elicited from the remaining cross-examination of this witness.

20. The claimants further examined **Rai Singh as AW-2**, the alleged eye witness to the accident who tendered his duly sworn affidavit as Ex.AW2/A alongwith copy of FIR Ex.A5. He deposed that he alongwith Gurdeep Singh were going from Dasuya to Palah Chak in connection with some personal work on car No.PB-21-E-4151. When they reached near little short of Garna Sahib near HP Petrol Pump at about 7-7.15 PM, a tractor trolley No.PB-08-AJ-3087 was going ahead of them whose driver was driving his tractor trolley very slowly, carefully and on the left side of the road. In the meanwhile, a Mahindra Thar No.PB-07-BG-3730 which was being driven by its driver very rashly, negligently and at a high speed came from their backside i.e. Dasuya side and after crossing/overtaking their car, the driver of Mahindra Thar No.PB-07-BG-3730 could not control his Mahindra Thar and he struck his Mahindra Thar against the backside of the said tractor trolley with full force by going on the

extreme left side of the road. The driver of Mahindra Thar could not further control his vehicle and after hitting the tractor trolley, he further struck the same against road side tree, situated on the left side of the road. As a result of the collision, the tractor trolley driver fell down on the road and received serious injuries on his person and expired at the spot due to the accidental injuries and the tractor trolley hit the road side tree with full force due to the impact of the collision. Later on, he came to know the name of driver of tractor trolley as Happy Navneet Singh son of Lal Singh resident of Village Rawan, PS Dasuya, District Hoshiarpur who died in this accident and he also came to know the name of driver of Mahindra Thar as Surinder Singh, resident of Village Jhinger Kalan, Hoshiarpur. The accident took place due to rash and negligent driving of Mahindra Thar No. PB-07-BG-3730 by its driver Surinder Singh. The accident was witnessed by him, Gurdeep Singh and others who were present at the place of accident. The FIR No.177 of 2022 under Section 279, 304-A, 427 IPC was registered at PS Dasuya, District Hoshiarpur on his statement against respondent No.1. **In his cross-examination**, he stated that he has brought no documentary proof that he is witness to the alleged accident. He volunteered to add that the FIR was recorded on his statement. He does not have any proof that he was going on his car on 17.10.2022. The FIR in this case was registered on 28.10.2022. He volunteered to add that there is no center divider with bushes and there is no possibility of reflection of lights of opposite vehicle. Happy Navneet Singh was not known to him prior to the alleged accident. However, his father was known to him. He has no knowledge about the recording of any

DDR regarding the alleged accident. He further stated that he deals in the business of fabrication of gates and grills, rolling shutters on G.T. Road, Dasuya. His shop is situated between Tehsil complex Dasuya and Reliance Petrol Pump on Dasuya and Jalandhar highway on left side when they proceed towards Jalandhar. His shop timing are from 8 AM to 6 PM and sometimes, he gets delayed due to over time. He comes to the shop at 9 AM and he goes back to his home at about 10-11 PM. He does not know the claim of claimants. He volunteered to add that he only known Mr. Lal Singh. He is not his relative, but he is his old customer since past 25-30 years. On 25.10.2022, Lal Singh visited his shop. He had given him the order of shutter, then he disclosed him that his son expired in a road side accident. He is Post Graduate. At the time of accident, he was going to Village Plah Chak to take re-measurement of his order. He did not get mention in his affidavit about the purpose of his visit to village Plah Chak. The accident took place at about 7-7.15 PM. Prior to the accident, he neither knew the tractor trolley driver nor Mahindra Thar driver. He also does not know both the deceased. The tractor trolley was going ahead of him at about 200-300 feet. The tractor trolley was going ahead of him for about 5 minutes prior to the accident. He was going at a speed of 50/60 Km per hour. The tractor trolley was also going on the same speed ahead of him. Again said the speed of the said tractor trolley might be less. The road is a single way divided by divider. He did not visit the house of Lal Singh. He can not say whether generally if a tractor turns towards left side, the trolley turns towards right side. After the accident, he stopped his car and went outside to the spot. He had seen

both the drivers by going near them after the accident. Both the drivers were alive. He volunteered to add that both the drivers were about to die on account of their very serious condition. Apart from him, there was no one else. He volunteered to add that there was one person namely Gurdeep in his car. He did not inform the police or ambulance since he was not having phone with him. He volunteered to add that he thereafter left the spot since he had to reach somewhere on time. He left both the persons there only. He came back to his shop from Village Plah Chak at 8.30/9.00 PM on the same day. He himself did not inform the police on his own. On that day, since he was not having mobile phone with him between 7 PM to 9 PM therefore, he did not receive any call himself. Upon being asked by Lal Singh, he went to the police station for FIR. Both the drivers expired on 17.10.2022 at the spot. The driver of Mahindra Thar overtook them from their left side. The attention of witness drawn towards affidavit and FIR where this fact is not so recorded. He volunteered to add that he had mentioned that the driver of the Thar over took them. He can not explain the accident how it took place. He volunteered to add he had seen the Thar hitting the trolley and also heard the voice of accident. The one side of road is about 22 feet metalled portion and other is kacha portion also and in total, it might be around 50 feet. He does not know if Lakhvir Singh son of Banarsi Dass resident of Village Jhingar Kalan was the witness of this accident. He did not go to the cremation of the deceased. He does not know about the DDR if any regarding the present accident. Nothing substantial could be elicited from the remaining cross-examination of this witness.

21. The claimants further examined **claimant No.1 Baljit Kaur, the mother of deceased Happy Navneet Singh, as AW-3** who tendered her duly sworn affidavit Ex.AW3/A in her examination in chief and reiterated the contents of the claim petition particularly regarding the income of the deceased. **In her cross-examination**, she stated that she was having two sons and one daughter out of which one was the deceased. Her other son is residing in America. Her husband, the claimant No.2 retired from LIC of India and he is drawing pension of Rs.28,000/- per month. She is house wife. The claimant No.3 is her married daughter. She volunteered she had separated from husband six years and is residing with them and divorce proceedings are pending in Dasuya. She has not brought a copy of divorce petition in Court. She is not eye witness to the present accident. She does not know as to who is the owner of the tractor which his son was driving when he met with accident. She also does not know about the insurance company of the tractor. The claimant No.3 Goga Kirandeep Kaur is a government teacher and she is drawing a salary of Rs.35,000/- per month. Village Jhingar Kalan is nearby to their village. She does not know any Lakhvir Singh son of Banarsi Dass resident of village Jhingar Kalan and she does not know if he is witness to the present accident. Nothing substantial could be elicited from the remaining cross-examination of this witness.

22. Thereafter, the learned counsel for the applicants/claimants of the first claim petition closed the evidence after tendering some documents.

23. In order to rebut the case of the claimants, the respondents of the first claim petition examined **ASI Gurnam Singh as RW-1** who has brought the summoned record i.e. DDR No.21 dated 18.10.2022, P.S. Dasuya. Initially, the proceedings under Section 174 Cr.P.C. were conducted by the police of PS Dasuya as both the drivers of vehicles died at the spot. As per record, the IO investigated the matter and after thorough investigation, the proceedings under Section 174 Cr.P.C. were conducted by the police. Thereafter, one party got registered the FIR No.177 dated 28.10.2022 under Section 279, 304-A, 427 IPC, P.S. Dasuya against dead person namely Surinder Singh. A copy of the DDR No.21 dated 18.10.2022 is Ex.RW1/A. **In his cross-examination**, he stated that he has no personal knowledge regarding the present case. He does not know the facts of the case except DDR No.21 dated 18.10.2022. He was not the IO of the present proceedings under Section 174 Cr.P.C. The DDR was recorded on the statement of Jaspal Singh who was not eye-witness. Nothing substantial could be elicited from the remaining cross-examination of this witness.

24. The respondents of the first claim petition further examined **Lakhvir Singh as RW-2** who deposed that at about 7.15 PM on 17.10.2022, he was going towards his village after closing his workshop situated near Petrol Pump while going towards his village. He saw one tractor trolley going ahead of him, a Thar vehicle was following the tractor trolley towards left side, then the Thar car hit the tractor trolley from the rear side of tractor trolley and Thar car struck with tree. He only remember the last four digit i.e. 3730 of Thar car. After the accident, he went out from his car and saw both the drivers in

meanwhile Baljinder Singh and Sarabjit Singh came to spot and they all pulled out both the drivers Surinder Singh (since deceased) was shifted to Civil Hospital Dasuya by Baljinder Singh and Sarabjit Singh and the driver of the tractor trolley was shifted to Civil Hospital in ambulance. After taking out the mobile of driver of tractor trolley they informed his family. He also narrated all the incident to police after 2-3 days of accident. He does not know the further police proceedings as both the families stated that drivers of both vehicles had died. The accident occurred due to sudden turn of tractor trolley to the left side by the driver. **In his cross-examination**, he stated that he went to Italy in the October, 2023 and he was working in October, 2022 as mechanic at M/s. Dashmesh Tractors near Reliance Petrol Pump near Dasuya. He used to leave the workshop at about 7-7.30 PM. At that time, his mobile No.73411-11803 of Airtel company and it is registered in his name only. On the entire day of 17.10.2022, he was having the said phone alongwith him. He does not know whether any application against registration of FIR was moved by family of Surinder Singh at P.S. Dasuya and DSP Dasuya. He had mentioned in his examination in chief that he had gone to police station Dasuya after 2-3 days of accident. He does not know whether any police proceedings were initiated on his statement by the police of P.S. Dasuya or not. He did not suffer his statement in any inquiry proceedings against registration of FIR on an application which was moved by legal heirs of Surinder Singh. **He reached at the spot of accident after about 4 minutes. The Thar car hit the tractor trolley from the corner of trolley towards its back side. He know Surinder Singh being his co-villager. He**

did not inform Jaspal Singh Jassa, the brother of deceased on his mobile number. At that time, he was not even aware of mobile number of Jaspal Singh. He did not accompany the deceased while he was being shifted to hospital in their car, however he had reached 4-5 minutes later. Manjinder Singh and Sarabjit Singh shifted the deceased to the hospital. The said Manjinder and Sarabjit are also of his village Jhingar Kalan. There were no registration number on tractor trolley but it was Sonalika tractor of blue colour. Manjinder and Sarabjit who allegedly shifted deceased were known to Surinder Singh deceased. The accident has taken place on the fast moving lanes of road. The slow moving lane is the lane which adjoins the divider. He is not a summoned witness. Where the accident took place, the road is straight and there is no cut or link road which adjoins the main road. Nothing substantial could be elicited from the remaining cross-examination of this witness.

25. The following are the important documents in case Baljit Kaur etc. Vs. Surinder Singh etc., the first claim petition:

Exhibit	Substance of document
Ex.A1	The attendance report dated 25.01.2020 of Happy Navneet Singh in the Government School where he was working.
Ex.A2	The staff identity card of Happy Navneet Singh.
Ex.A3	A copy of Form No.16 of Happy Navneet Singh for 2021-22 showing his taxable income to be Rs.4,87,422/-.
Ex.A4	A copy of Form No.16 of Happy Navneet Singh for 2022-23 showing his taxable income to be Rs.4,71,270/-.
Ex.A5	A copy of FIR No.177 dated 28.10.2022 regarding the incident in

	question got lodged by Rai Singh against Surinder Singh.
Ex.A6	A copy of post-mortem report of Happy Navneet Singh.
Ex.A7	Another Staff Identity Card of Happy Navneet Singh.
Ex.A8	A photocopy of driving license of Happy Navneet Singh.
Ex.A9	A photocopy of account statement in HDFC Bank of Happy Navneet Singh.
Ex.R1/ Mark-R4	A photocopy of insurance policy in the name of Surinder Singh regarding vehicle No. PB-07-BG-3730 valid from 24.12.2021 to 23.12.2022.
Mark-R1	A photocopy of driving license of Surinder Singh.
Mark-3	A photocopy of RC of vehicle No.PB-07BG-3730.
Mark-R5	A copy of Form No.59 of vehicle No.PB-07BG-3730.
Ex.RW1/A	A photocopy of General Diary No.21 dated 18.10.2022 regarding the accident in question on the statement of Jaspal Singh.

Evidence in Gurpreet Kaur Vs. Happy Navneet Singh

26. In order to prove their case, the claimants of **the second claim petition**, examined **ASI Gurnam Singh as CW-1** who deposed that he has brought the summoned record i.e. DDR No.21 dated 18.10.2022 PS Dasuya. Initially the proceedings under Section 174 Cr.P.C. were conducted by the police of PS Dasuya as both the drivers of vehicle died at the spot. As per record, IO investigated the matter and after thorough investigation, the proceedings under Section 174 Cr.P.C. were conducted by the police. Thereafter, one party got registered the FIR No.177 dated 28.10.2022 under

Section 279, 304-A, 427 IPC, P.S. Dasuya against dead person namely Surinder Singh. A copy of the DDR No.21 dated 18.10.2022 is Ex.RW1/A. **In his cross-examination**, he stated that he has no personal knowledge regarding the present case. He does not know the facts of the case except DDR No.21 dated 18.10.2022. He was not the IO of the present proceedings under Section 174 Cr.P.C. Nothing substantial could be elicited from the remaining cross-examination of this witness.

27. The claimants further examined **Gurpreet Kaur, the claimant No.1 as well as widow of deceased Surinder Singh** who tendered her duly sworn affidavit as Ex.CW2/A and deposed on the lines of the claim petition. **In her cross-examination**, she stated that the accident did not take place in his presence. The FIR was registered on wrong facts against her husband for causing accidental death of Happy Navneet Singh on the statement of Rai Singh who was not present at the spot but Lakhbir Singh having mobile No.73411-11803 was present. Lakhbir Singh, a co-villager, is residing abroad and he had called his brother in law Jaspal Singh @ Jassa whose mobile No. is 98778-19193 and informed him regarding the accident who was allegedly coming from his workshop. She admitted that she was not present at the spot of accident. When she came to know about the registration of FIR against her husband, she filed application for enquiry before DSP, who recorded the statement of the witnesses. The statement of Lakhvir Singh was recorded. The police found her application to be false and consigned the same against which she moved an application before SSP, Hoshiapur. She has not brought its copy

on record. The statement of Lakhbir Singh was recorded by police of Police Station Dasuya after 2-3 days of the accident but she can not say about the exact number of days. She has produced the same on record. They received summons from the Court regarding MACT case filed by the legal heirs of deceased Happy Navneet Singh which is titled as 'Baljit Kaur Vs. Surinder Singh' etc. She visited the spot of accident after 5-6 days of the accident. The accident has taken place on the lane leading from Dasuya to Tanda and it is a six lane highway separated by divider. She is at present receiving about Rs.28,000/- per month as pension. There is no written communication from the Ministry of Defence, again said she has received the letter from the Ministry of Defence regarding the same. Her father in law is cultivating his one acre of land. She is a house wife. Her husband was drawing again said he has not produced any passbook of bank account of her husband where he used to receive his pension. She has also neither brought nor produced the bank account of her husband where he allegedly used to receive his salary from Military Canteen. She is not in possession of any income tax returns of her husband. Nothing substantial could be elicited from the remaining cross-examination of this witness.

28. The claimants further examined **Jarnail Singh, the Store Keeper as CW-3** who deposed that he has brought the summoned record pertaining to the salary record of Surinder Singh (since deceased). He was employee of Uchhi Bassi Military Canteen of Army. He get the job in Military Canteen in 2022 and his attendance is duly mentioned at serial No.42 of attendance register pertaining to one page i.e. Ex.CW3/D and salary certificate is Ex.CW3/E

pertaining to 1 to 4 pages and salary register is Ex.CW3/F. The name of the deceased Surinder Singh is mentioned at serial No.40 in the salary register and he was drawing the salary from his SBI account No.55160908055 at branch Jhingar Kalan, District Hoshiarpur. **In his cross-examination**, he stated that the salary of Surinder Singh was Rs.8,000/- per month and apart from this, nothing was paid to Surinder Singh, who was temporary employee and was working on contract which was renewed after every three months.

29. The claimants further examined **Bharat Bhushan Sharma, the Branch Manager of SBI as CW-4** who deposed that he has brought the summoned record of account of Surinder Singh son of Sansar Singh. Resident of Jhingar Kalan, Dasuya. As per bank record, he was receiving a pension in account No.5516908055, a copy of account statement and account type as a defence person is attached. A copy of account details is Ex.CW4/F consisting of two pages, statement of account is Ex.CW4/G pertaining to year 01.01.2022 to 31.12.2022 (consisting 8 pages), statement of account is Ex.CW4/H (consisting 2 pages). **In his cross-examination**, he stated that he has no personal knowledge regarding the record brought by him today. He can not tell the source of the deposit of amount in the said account. There is no reference of the particulars of deposit in the said account. There is no certificate under Section 63 BSA or Banker Book of Evidence certifying the genuineness of computer record. Nothing substantial could be elicited from the remaining cross-examination of this witness.

30. The claimants further examined **Lakhvir Singh as CW-5** who deposed that at about 7.15 PM on 17.10.2022, he was going towards his village after closing his workshop situated near petrol pump while going towards his village, he saw one tractor trolley going ahead of him, a Thar vehicle was following the tractor trolley, then suddenly the tractor driver turned the tractor trolley towards left side, then the Thar car hit the tractor trolley from rear of tractor trolley and Thar car struck with tree. He only remember the last four digit i.e. 3730 of the Thar Car. After the accident, he went out from his car and saw both the drivers and in meanwhile Baljinder Singh and Surjit Singh came to spot. They all pulled out both the drivers Surinder Singh (since deceased) who was shifted to Civil Hospital, Dasuya by Baljinder Singh and Sarabjit Singh and the driver of tractor trolley was shifted to Civil Hospital in ambulance. After taking out the mobile of tractor trolley driver, they informed his family. He also narrated all the incident to police after 2-3 days of accident. He does not know the further police proceedings as both the families stated that driver of both vehicles had died. The accident occurred due to the sudden turn of tractor trolley to the left side by the driver. **In his cross-examination,** he stated that he went to Italy in October, 2023. In October, 2022 he was working as mechanic in the workshop of M/s/ Dashmesh Tractors near Reliance Petrol Pump near Dasuya. He used to leave the workshop at about 7-7.30 PM. At the time, his mobile No.73411-11803 of Airtel company and it is registered in his name only. On entire day of 17.10.2022, he was having the said phone alongwith him. He does not know whether any application against registration of FIR was moved

by the family of Surinder Singh at Police Station Dasuya and DSP Dasuya. He had mentioned in his examination in chief that he had gone to police station Dasuya after 2-3 days of accident and when he went to police station Dasuya, police recorded his statement thereafter 2-3 days of accident. He does not know whether any police proceeding were initiated on his statement by police of PS Dasuya or not. He did not suffer his statement in any of the Inquiry Proceedings against registration of FIR on an application which was moved by legal heirs of Surinder Singh. He reached at the spot of accident after about 4 minutes after the accident. The deceased Surinder Singh driver of Thar is of his village. The Thar car hit the tractor trolley from the corner of trolley towards its back side. He know Surinder Singh being his co-villager. He did not inform Jaspal Singh Jassa, the brother of deceased on his mobile number at that time he was not even aware of mobile number of Jaspal Singh. He did not accompany the deceased where he was being shifted to hospital in their car. However, he had reached 4-5 minutes later. Manjinder Singh and Sarabjit Singh has shifted the deceased to the hospital and they are also of his village Jhingar Kalan. It was Sonalika tractor of blue colour. Manjinder and Sarabjit who allegedly shifted deceased were known to Surinder Singh deceased. The accident has taken place on the fast moving lane of road. Nothing substantial could be elicited from the remaining cross-examination of this witness.

31. The following are the important documents tendered in the second claim petition ‘Gurpreet Kaur Vs. Happy Navneet Singh etc’:

Exhibit	Substance of document

Ex.CW1/A	A copy of General Diary No.21 dated 18.10.2022.
Ex.CW2/A	A copy of Bill of URC 18 FAD for August, 2022 of Surinder Singh.
Ex.CW2/C	A photocopy of post-mortem report of Surinder Singh.
Ex.CW3/D	A copy of daily attendance register showing presence of Surinder Singh.
Ex.CW3/E	A photocopy of letter dated 28.10.2022 showing transfer of amount on account of monthly salary of CSD staff for the month of October, 2022, showing salary of Surinder Singh to be Rs.8,000/- per month.
Ex.CW3/F	A photocopy of bill of URC, 18 FAD for the month of October, 2022 of Surinder Singh.
Ex.CW4/F	A photocopy of account statement of Naik Surinder Singh.
Ex.CW4/G	A photocopy of account statement of Surinder Singh in State Bank of India, Jhingar Kalan for the period 01.01.2022 to 31.12.2022.
Ex.CH	A notarized attested copy of family pension particulars of Surinder Singh.
Mark-A	A photocopy of pension book of Surinder Singh.
Mark-B	A photocopy of death certificate of Surinder Singh.

32. The respondents have not examined any witness and the second claim petition titled as ‘Gurpreet Kaur Etc. Vs. Happy Navneet Singh’ was consolidated with the first claim petition titled as ‘Baljit Kaur Etc. Vs. Surinder Singh’ etc. vide order dated 01.08.2025. On 14.08.2025, Sh. DDS Nayyar Advocate, Ld. counsel for the claimants of the first claim petition in ‘Baljit Kaur etc. Vs. Surinder Singh etc.’ suffered a statement that after consolidation

of cases, he does not want to lead any independent respondents evidence in the connected case titled as 'Gurpreet Kaur etc. Vs. Happy Navneet Singh etc.' (MACP/44/2023). The statement of AW-2 Rai Singh recorded in 'Baljit Kaur etc. Vs. Surinder Singh' be read as respondent evidence in the connected case titled 'Baljit Kaur Etc. Vs. Surinder Singh etc.'. Further the copy of FIR Ex.A5 tendered in case 'Baljit Kaur etc. Vs. Surinder Singh etc.' be read as it is as Ex.RX in the connected case titled 'Gupreet Kaur etc. Vs. Happy Navneet Singh'. He closed the respondent evidence in case 'Gurpreet Kaur etc. Vs. Happy Navneet Singh etc.'.

33. From the appreciation of the evidence on record in both the files, there is no doubt that both the drivers of both the vehicles involved in the accident expired on the spot. **The first claim petition** titled as 'Baljit Kaur Vs. Surinder Singh' has been filed by the dependents of the deceased Happy Navneet Singh who was driving the tractor trolley without having any insurance of the vehicle, whereas **the second claim petition** titled as 'Gurpreet Kaur etc. Vs. Happy Navneet Singh' has been filed being dependents of the deceased Surinder Singh who was driving the Thar vehicle with insurance of his vehicle. It is also undisputed that the Thar vehicle hit the tractor trolley at its back as both the vehicles were moving towards the same direction on a four lane highway having divider. It becomes imperative to decide as to who was negligent in driving his respective vehicle.

34. There is no doubt in the fact that the standard of proof in claim petition is preponderance of probabilities and it is not like that of a criminal

case. There is no doubt in the fact that the standard of proof in claim petition is preponderance of probabilities and it is not like that of a criminal case. In a claim petition, the claimant is only required to prove its case by preponderance of probabilities as held by Hon'ble Supreme Court in **Bimla Devi Vs. Himachal Road Transport Corporation 2009 (3) PLR 67** to the effect that strict rule of evidence is not warranted in the proceedings of the claim petition and the claimants are required to prove the happening of accident through the preponderance of probabilities. In **N.K.V. Brothers Pvt. Ltd. Vs. M. Karummi Ammal 1980 ACJ 435 (SC)**, it has been observed that the proceedings before the Claim Tribunals are of the nature of summary enquiry. Whereas in criminal cases rule is of proof beyond reasonable doubt. In civil cases, the rule is proof by preponderance of probabilities. If there is some evidence available before the Tribunal to decide a fact then no nicety or doubt should weigh with it. It is also settled law that it is not to be decided as regular civil suit and its summary procedure as held in **Jai Prakash vs National Insurance co. ltd (2010) 2 SCC 607**.

35. It would be appropriate to analyze the evidence of the alleged eye witnesses produced by both the parties in support of their respective contentions. The testimony of **RW-2 Lakhvir Singh, the alleged eye-witness,** examined in the first claim petition (also examined s CW-4 in the second claim petition) clearly shows that he was not present at the time of accident as he specifically admitted that he reached at the spot of accident after about four minutes, though his other narration with regard to accident to be on four lane

national highway and movement of both the vehicles in the same direction from Tanda to Dasuya and also about the existence of the divider between both the sides of the road to be of 6-7 feet in width etc. throw important light on the facts of this incident. On specific query, he also admitted that he did not accompany the deceased while deceased Happy Navneet Singh was shifted to hospital as he had reached 4-5 minutes later. Thus his testimony can not be taken to be of an eye-witness. Similarly, **AW-2 Rai Singh, the alleged eye-witness**, was examined **in the first claim petition** who specifically admitted that after the accident, he stopped his car and came outside and saw that both the drivers were alive and volunteered that both were about to die because of their serious condition. Another person Gurdeep Singh was there with him in the car. He did not inform the police or ambulance because his mobile was not with him. He left the spot as he was to go somewhere and came back to his shop at about 8.30-9 PM on the same day. This version is against the natural course of human nature. Even otherwise, the DDR was got recorded by Jaspal Singh and not by him though the FIR against deceased Surinder Singh was got registered by this AW-2 Rai Singh. These specific admissions, as discussed above, take the Court to this conclusion that these were not the eye-witness who saw the happening of unfortunate accident in which both the drivers of both the vehicles lost their valuable lives. Thus this is an incident which can rightly be termed to be an incident without any eye-witness.

36. Now the Court is to examine the facts, circumstances, the rules of general prudence while driving on a public way and to analyze them to find out

who was driving in a negligent manner. Undisputedly, both the vehicles were going on a four lane highway having divider of 6-7 feet from Tanda to Dasuya i.e. on the same direction. It is duty of the vehicle coming from the rear side to see that the vehicle going ahead are not put to peril while driving on the road and also while overtaking them or while driving parallel to them. In the case in hand, the Mahindra Thar driven by the driver Surinder Singh hit the tractor trolley at its rear side. The mere plea that the tractor trolley turned towards its right side and that there was reflection of lights from the opposite side, are nothing but bald assertions as there is no plausible account of and by any eye-witness. It is also on record that there was no cut or side road near the place of accident. Thus the plea of the claimants that there was reflection of light from opposite side and the tractor trolley turned towards one side, of the second petition titled as 'Gurpreet Kaur etc. Vs. Happy Navneet Singh etc.' are without any basis. It is also a matter of common knowledge that four vehicle like Mahindra Thar can run at a higher speed whereas a tractor with trolley may not be able to give a challenge to such high speeding vehicles like Thar. This fact is further corroborated with the fact that the tractor trolley was being either overtaken or was hit at its rear end by the Thar vehicle. More so, every vehicle is to maintain a reasonable distance from other vehicle going ahead so that in case of any eventuality, the vehicles do not collide. The Motor Vehicle (Driving) Regulation, 2017, were published on 23rd June, 2017 and notified by the Ministry of Road Transport and Highway, vide which the detailed regulations were promulgated in supersession of the Rules of the Road Regulations Act,

1989, whereby the duties of vehicle driver and riders etc., precaution while taking 'U' turn etc., precaution at different inter-section etc. were enumerated in detail so as to streamline the traffic control and management. As per regulation 17, a driver is to maintain sufficient distance from the vehicle ahead so as to stop the vehicle safely in case of any eventuality. This seems to have not been done by the driver of Mahindra Thar vehicle. Thus this Court is of the opinion that the claimants in the first claim petition are able to prove that Happy Navneet Singh died due to the rash and negligent driving of Mahindra Thar. Thus the issue No.1 in the first claim petition is decided in favour of the claimants Baljit Kaur etc. and against the respondents i.e. Gurpreet Kaur etc. On the same analogy, it is held that the death of Surinder Singh did not take place due to rash and negligent driving of tractor trolley driven by Happy Navneet Singh and therefore, this issue No.1 in the second claim petition is decided against the said claimants Gurpreet Kaur etc. and in favour of of the respondents i.e. Baljit Kaur etc.

37. The purpose of awarding compensation to the legal representatives of the deceased is to help them overcome the financial loss due to loss of a member of the family. The Act, 1988 is a beneficial piece of legislation enacted to give solace to the victims of the motor accident who suffer bodily injury or die untimely.

38. Now comes the question, to what extent and from whom the petitioners are entitled to receive compensation? While determining compensation under the Act, 1988, Section 168 of the Act, makes it

imperative to grant compensation that appears to be just. The Act is a social welfare legislation operates through economic conception in the form of compensation, which renders way to corrective justice. Compensation acts as a fulcrum to bring equality between the wrongdoer and the victim, whenever the equality gets disturbed by the wrongdoer's harm to the victim. It also endeavors to make good the human suffering to the extent possible and to also save families which have lost their breadwinners from being pushed to vagrancy. Adequate compensation is considered to be fair and equitable compensation. Courts shoulder the responsibility of deciding adequate compensation on a case-to-case basis. However, it is imperative for the courts to grant such compensation which has nexus to the actual loss. [See **Manusha Sreekumar v. United India Insurance Co. Ltd. (SC)** : Law Finder Doc Id # 2049874]

39. The law in regard to calculation of compensation in the case of death is well settled in a catena of cases of the Hon'ble Supreme Court of India. The criteria which are to be taken into consideration for assessing compensation in the case of death, are : (i) the age of the deceased at the time of his death; (ii) the number of dependents left behind by the deceased; and (iii) the income of the deceased at the time of his death. The ratio of judgments in **Smt. Sarla Verma v. Delhi Transport Corporation, (SC)** : Law Finder Doc Id # 188882 and **National Insurance Company Limited v. Pranay Sethi, (SC) (Constitution Bench)** : Law Finder Doc Id # 918174 (D/d. 31.10.2017) is to be applied.

40. In **Magma General Insurance Co. Ltd. v. Nanu Ram &Ors., (2018) 18 SCC 130 : 2018 (4) RCR (Civil) 333**, the Hon'ble Supreme Court interpreted

"consortium" to be a compendious term, which encompasses spousal consortium, parental consortium, as well as filial consortium and the amount to be awarded for loss consortium will be as per the amount fixed in **Pranay Sethi (Supra)**.

41. **The claimants of the first claim petition** have claimed the income of the deceased to be Rs.65,148/- per month. They have placed on record the Form No.16 for the assessment year 2022-23 showing the gross salary of Happy Navneet Singh to be Rs.8,07,662/-. They also examined AW-1 Balwinder Singh from Government High School who proved the said Form No.16 and deposed that his monthly salary was Rs.65,148/- and carry home monthly salary was Rs.58,928/-. The deceased was the Head Master in Government High School and therefore, his annual salary can be taken to be Rs.8,07,662/-.

42. In the light of the facts and the law discussed above, the compensation payable to **the claimants of the first claim petition** under the head of loss of dependency on account of the death of the deceased is assessed as follows:

Name	Happy Navneet Singh
Age	38 years
Annual income	Rs.8,07,662/-
Addition to income to future prospect (@Rs.12,11,493/- (8,07,662 + 4,03,831)	
50% - deceased being less than 40 years	
Deduction towards personal & living expenses (1/2)	Rs.6,05,747/-
Multiplier based on age of 38 years	15
Amount of compensation	Rs. 90,86,190
Loss of estate	18,150

Loss of consortium	1,44,000
Funeral expenses	18,150
Total amount of compensation	Rs. 92,66,490/-

43. Now the question arises as to who is liable to pay the compensation. As per the case of the claimants **of the first claim petition**, the respondent No.1 since deceased is the driver-owner and respondent No.2 is insurer of the offending vehicle. Therefore, the respondent No. 2 is held liable to pay the amount of compensation to the claimants. Accordingly, the issue No. 2 **of the first claim petition** is decided in favour of the claimants and against the respondents. As already mentioned above, **the issue No.1 in the first claim petition** is decided in favour of the claimants Baljit Kaur etc. and against the respondents i.e. Gurpreet Kaur etc. On the same analogy, **the issue No.1 in the second claim petition** is decided against the said claimants Gurpreet Kaur etc. and in favour of of the respondents i.e. Baljit Kaur etc.

Issue No.3 and 4 of the first claim petition in Baljit Kaur Etc. Vs. Surinder Singh Etc.

3. Whether the respondent No.1 was not holding a valid and effective driving licence and other documents i.e. registration certificate, fitness certificate at the time of accident and its effect upon compensation? OPR-3
4. Whether the present claim petition is not maintainable?
OPR-3

Issue No.3 and 4 of the second claim petition in Gurpreet Kaur Vs. Happy Navneet Singh Etc.

3. Whether the present claim petition is not maintainable?
OPR-1
4. Whether the claim petition is bad for non-joinder and mis-joinder of necessary parties? OPR-1

44. The onus to prove these issues was on the respective respondents, but no evidence has been brought with regard thereto by the respondents nor any arguments have been addressed. The parties have failed to show as to how the petition is not maintainable and which necessary party was not arrayed as party. Both the drivers were holding valid driving license. Hence these issues are decided against the respective respondents and in favour of the respective claimants.

Relief

45. In view of the findings on the above said issues, **the first claim petition** is decided in favour of the claimants Baljit Kaur etc. and against the respondents i.e. Gurpreet Kaur etc. **The second claim petition** preferred by the said claimants Gurpreet Kaur etc. is dismissed. Thus, **the first claim petition** is allowed with costs and an award of **Rs. 92,66,490/-** is passed in favour of the claimants and against the respondents. The respondent No.2 insurance company is directed to make the payment of compensation amount within three months along with interest @ 9% per annum from the date of filing of the claim petition till final realization as per judgment titled as **R. Vali Vs. Tamilnadu Transport Corporation Limited 2022 (5) SCC**. The amount of compensation shall be apportioned amongst the petitioners as follows:

Petitioner No.1	50%
Petitioner No.2	25%
Petitioner No.3	25%

46. The counsel fee is assessed as Rs. 11,000/-. Memo of Costs be prepared. This tribunal will be failing in its duty if it does not take note of the mandatory personal accident cover

for owner-driver of a vehicle for which the claimants being the dependents of such deceased are not aware and nobody guides them for this purpose. Therefore, the dependents of Surinder Singh who filed the second claim petition, can claim insurance amount up to Rs.7.50 Lac as mentioned in Mark-R4, the insurance policy on record in the name of Surinder Singh (since deceased), the owner-cum-driver of Mahindra Thar vehicle from the insurance company as personal accident insurance cover which is mandatory now a days, in due course of law and if not paid by resorting to the provisions of Consumer Protection Act, 1989 if they so desire and so advised. Misc. application if any are ordered to be dismissed being not pressed. One copy of judgment be placed in the connected file 'Gurpreet Kaur Etc. Vs. Happy Navneet Singh Etc.' File be consigned to the Judicial Record Room, Hoshiarpur after due compliance.

Pronounced in open court:
Dated 14.07.2026

Dinesh Singh, JW (SG)

(Dr. Mandeep Mittal)
Motor Accident Claims Tribunal,
Hoshiarpur
UID No. PB0216