

(I) Rules of the Road Regulations, 1989 — Regulation 23 — Motor Vehicles Act — Negligence — Rear-end collision — Duty of following vehicle to maintain sufficient distance — Driver following another vehicle is bound to maintain sufficient distance from the vehicle going in front to avoid collision, keeping in mind the possibility of sudden slowing down or stoppage — Failure to maintain such distance amounts to negligent driving — Where truck was following trailer at a distance of only 20 feet instead of required 40-50 feet and claimant, who was cleaner of the truck, categorically stated that if truck had maintained a distance of 40-50 feet the accident could have been averted — Responsibility of maintaining safe distance squarely falls on the vehicle at the back — Truck driver held negligent — Liability fastened on insurer of the truck — High Court erred in reversing well-considered order of Tribunal — Order of Tribunal restored. (*Nishan Singh v. Oriental Insurance Company Ltd.*, (2018-3)191 PLR 358 (SC), relied upon) [Paras 6, 10, 11]

“...if a truck moves at a speed of 30-40 km per hour, then it should maintain a gap of 40-50 feet, to ensure effective control of the vehicle...the distance between the two vehicles was only 20 feet...the distance kept by his driver from the vehicle moving in the front was not adequate and sufficient so as to control the vehicle at the back, if the vehicle at the front abruptly stopped.” [Paras 6, 10]

(iii) Evidence — Motor Accident Claims — Weight of FIR and criminal proceedings vis-à-vis evidence before Tribunal — What matters before the Tribunal is the evidence led before it — FIR and conviction on confession under Probation of Offenders Act, 1958 cannot upset the evidence led before the Tribunal — Such conviction is merely a measure employed in prosecutions based on motor accidents so as to bring a quietus to the proceedings — Where documents relating to FIR did not indicate details of the accident leading to registration of the crime and respondent insurance company made no attempt to examine the truck driver or trailer driver or produce records before the Tribunal — Documents held unreliable. (*National Insurance Company v. Chamundeswari*, (2021-4)204 PLR 058 (SC), relied upon) [Paras 7, 8, 9]

“...even if the conviction, on a confession and release invoking the provisions of the Probation of Offenders Act, 1958, is reckoned, in reality this is a measure employed in a prosecution launched based on motor accidents so as to bring a quietus to the proceedings...this cannot upset the evidence led before the Tribunal.” [Paras 8, 9]

(iv) Motor Vehicles Act — Contributory negligence — No finding of contributory negligence can be recorded without valid evidence — Mere persistence and persuasion by counsel insufficient to establish contributory negligence. [Para 12]

“The learned counsel for the respondent persisted and attempted to persuade us to find contributory negligence; for which we find absolutely no valid evidence.” [Para 12]

Cases Referred to :

1. (2018-3)191 PLR 358 (SC), *Nishan Singh v. Oriental Insurance Company Ltd.* — Following vehicle must maintain sufficient distance as mandated by law; distance of 10-15 feet held insufficient. [Para 4, 10]
2. (2021-4)204 PLR 058 (SC), *National Insurance Company v. Chamundeswari* — What matters before Tribunal is the evidence led before it; FIR contents to the contrary not given weightage. [Para 5, 9]

Mr. Amit Kumar Singh, for the Appellant. Shantha Devi Raman, for Respondent.

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