

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

**Date of decision: 16.02.2018**

**1. FAO No.2888 of 2015 (O&M)**

Smt. Kuljeet Kaur and others

....Appellants

Versus

Ram Dhari and others

....Respondents

**2. FAO No.2945 of 2015 (O&M)**

Mehtab Singh

....Appellant

Versus

Ram Dhari and others

....Respondents

**3. FAO No.6808 of 2015 (O&M)**

Smt. Inderjeet Kaur and others

....Appellants

Versus

Ram Dhari and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

Present: Mr. Susheel Gautam, Advocate,  
for the appellant(s).

Mr. Parveen Sharma, Advocate,  
for respondent Nos. 1 and 2.

Mr. Aseem Aggarwal, Advocate,  
for Mr. Harsh Aggarwal, Advocate,  
for respondent No.3-Insurance Company.

**RITU BAHRI J. (Oral)**

**CM No.8817-CII of 2015**

In view of the averments mentioned in the application,

document (Annexure P-1) is taken on record as additional evidence.

Misc. application stands allowed accordingly.

**FAO Nos.2888, 2945 and 6808 of 2015**

This order shall dispose of FAO Nos.2888, 2945 and 6808 of 2015 together as all these appeals have arisen out of one and the same accident and common questions of law and facts are involved therein.

FAO No.2888 of 2015 has been filed by the claimant-appellants (Smt. Kuljeet Kaur etc.) against the award dated 27.10.2014 passed by Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal'), whereby claim petition filed by them seeking compensation on account of death of Narender Singh in a vehicular accident, which took place on 18.01.2012, has been dismissed.

FAO No.2945 of 2015 has been filed by claimant-appellant Mehtab Singh against the aforesaid award, whereby his claim petition seeking compensation on account of injuries received by him in the above accident, has been dismissed.

Similarly, FAO No.6808 of 2015 has been filed by Inderjeet Kaur etc. against the impugned award, whereby their claim petition seeking compensation on account of death of Paramjeet Singh @ Pammy in a vehicular accident, which took place on 18.01.2012, has been dismissed.

**FACTS NOT IN DISPUTE**

Brief facts of the case are that on 18.01.2012, claimant Mehtab Singh along with Narender Singh, Paramjeet @ Pammy, Malak Singh, Angrej Singh, Avtar Singh and Gurdev Singh, was coming from village Kwaratan, District Kaithal in a Scorpio bearing registration No. HR-31-E-7631. At about 8.30 P.M., when they reached between village

Salwaan and Ballah, in the area of of Police Station, Assandh, a tractor bearing registration No. HR-40-D-5236 being driven by respondent No.1 in a rash and negligent manner, came from the opposite side and struck against the Scorpio, as a result of which, all the occupants of Scorpio received injuries. Paramjeet @ Pammy and Narender Singh died at the spot, whereas claimant Mehtab Singh was badly injured. Consequently, the claimant-appellants filed separate claim petitions before the Tribunal.

On the basis of evidence led by the parties, the Tribunal returned finding on issue No.1 against the claimants and held that mere registration of FIR on 19.01.2012 Ex.P5 would not be a sufficient evidence to give a finding that the accident had taken place on account of negligent driving of the vehicle by respondent No.1. It has been further observed that no report under Section 173 Cr.P.C. was placed on record. Moreover, no site plan was placed on record to depict the actual location of the vehicles at the relevant time. With these observations, all the claim petitions were dismissed by the Tribunal.

Learned counsel for the appellant(s), by filing an application under Order 41 Rule 27 CPC (CM-8817-CII-2015), has placed on record copy of report under Section 173 Cr.P.C (Annexure P-1). The same has already been taken on record.

This document is not being disputed by learned counsel for the respondents.

The aforeaid claim petitions filed by the appellants have been dismissed by the Tribunal on the basis of non production of this document. Since, this document has been produced on record, the present appeals deserves to be allowed.

**FAO No.2888 of 2015 and connected appeals**

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In view of the said fact, the matter is remanded back to the Tribunal to decide the claim petition(s) afresh after considering above said evidence/document(s) in accordance with law. Parties, through their counsel, are directed to appear before the Tribunal.

All the appeals i.e. FAO Nos.2888, 2945 and 6808 of 2015 stand disposed of accordingly.

**(RITU BAHRI)**  
**JUDGE**

16.02.2018  
ajp

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No