



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.499 of 2003

DATE OF DECISION: AUGUST 9, 2024

MANDEEP KAUR & ANOTHER

...APPELLANTS

VERSUS

KRISHAN NAND SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MS. PARUL PANCHAL, ADVOCATE
FOR MR. PRITAM SAINI, ADVOCATE
FOR THE APPELLANTS.

MR. SHUBHAM GUPTA, ADVOCATE
FOR RESPONDENT NO.4.

DEEPAK MANCHANDA, J.(ORAL)

1. This appeal has been filed against the award of dismissal of petition for compensation dated 28.11.2002, passed by the Motor Accident Claims Tribunal, Kurukshetra.

2. As per pleaded case of the claimants, Pritam Singh was working as Servant on a Petrol Pump and on the intervening night of 11/12.01.1998 at about 12.00 a.m., he was coming on a motorcycle from Pehowa side to village Dabkheri and one Shingara Singh was a pillion rider. When they reached in the area of village Garhi Rodan, truck No.DL-1G-9988, driven by respondent No.1 in a rash and negligent manner came and dashed against the motorcycle due to which Pritam Singh received fatal injuries and died. The driver of the offending vehicle fled away from the place of occurrence alongwith the truck.

3. After examining the evidence brought on record and going through the testimonies of the witnesses, the Tribunal held that the alleged



occurrence did not inspire confidence as the same was concocted and fabricated just to get the compensation by deceitful means in collusion with respondents No.1, 2 and 3 and consequently, the claim petition was dismissed.

4. Heard learned counsel for the parties.

5. The claimants were wife and minor daughter of the deceased. Deceased Pritam Singh was said to be employed as Servant at a Petrol Pump and used to earn Rs.60,000/- per month. The petition was dismissed on the ground that apart from the allegations levelled by the claimants, there was no proof of the involvement of the offending vehicle.

6. The Tribunal made a reference to the fact as per the case of the claimants, on the intervening night of 11/12.01.1998, PW2 Shingara Singh, who was sitting pillion with the deceased was the alleged eye witness of the accident. Whereas, the FIR was got registered on the statement of wife of the deceased, namely, Mandeep Kaur on 25.06.1998, but nothing was brought on record, as to why PW2 Shingara Singh, the alleged eye witness did not come forward to register the FIR.

7. Further, it has also not come on record that an intimation or a DDR had ever been recorded by PW-2 Shingara Singh or anyone else with the police in respect of the said accident to launch an investigation. It was only after five months that an FIR in respect to the said accident had been registered, that too, not by the eye witness, i.e. PW-2 Shingara Singh, but by the wife of the deceased, namely, Mandeep Kaur, and nothing came on record as to why such a huge delay was caused in registration of the FIR. The Tribunal has held that it seems that during the intervening period between the alleged occurrence and registration of the FIR, the registration



number of a truck having insurance was procured and thereafter, just to make a case under Sections 279 and 304-A IPC and to grab compensation in the guise of the same, a false and fabricated story was concocted by the claimants in collusion with respondents No.1, 2 and 3.

8. The whole case of the claimants rest on the statement of PW2 Shingara Singh. The Tribunal found that there were material contradictions in his testimony, as at one place he stated that when the alleged accident took place, he sought help of a Maruti car driver and they both chased the offending truck, whereas he again stated that the driver of the Maruti Car alone went to chase the offending vehicle and revealed him the Registration Number of the truck as '9988'. He further also failed to give the name or description of the car driver or the registration number of the car, who chased the offending vehicle.

9. It was the case of the claimants that allegedly a truck dashed against the motorcycle driven by Pritam Singh due to which he fell on the pucca portion of the road and PW-2 Shingara Singh, who was a pillion rider, fell on the kacha portion of the road and Pritam Singh died due to suffering of fatal injuries in the said accident. Nothing has come on record that PW-2 Shingara Singh ever received any injury in the said occurrence in which Pritam Singh died. It does not seem probable to a prudent mind that in an accident with a truck in which one person has died, the pillion did not suffer any injury.

10. Further, it has also not come on record that from where it was gathered that it was the same truck bearing Registration Number DL-1G-9988, who caused the alleged accident, when an incomplete Registration Number, i.e. '9988' only was allegedly revealed by the driver of the car.



11. This Court is of the opinion that the Tribunal after examining the witnesses and material available on record has rightly held that the claimants have failed to prove the accident in question with the alleged offending vehicle and dismissed the claim petition.
12. This Court does not find any reason to interfere with the findings recorded by the Tribunal.
13. Accordingly, the appeal fails and it stands dismissed.

09.08.2024
Gulati

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No