



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1516 of 2001 (O&M)

DATE OF DECISION: SEPTEMBER 27, 2024

USHA RANI & ORS.

...APPELLANTS

VERSUS

SATNAM SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA.

PRESENT: MR. KAPISH SINGLA, ADVOCATE
FOR MR. ASHIT MALIK, ADVOCATE
FOR THE APPELLANTS.

MR. SAHEJ MAHAJAN, ADVOCATE
FOR MR. RAJ KUMAR BASHAMBOO, ADVOCATE
FOR RESPONDENT NO.2-INSURANCE COMPANY.

DEEPAK MANCHANDA, J.(ORAL)

1. This appeal has been filed against the award of dismissal of petition for compensation dated 4.9.2000, passed by the Motor Accident Claims Tribunal, Karnal.

2. This appeal being a burnt case in the fire incident of 2011 contains only a copy of award available on record and the memo of parties whereas the grounds of appeal are not available in the case file.

3. As per pleaded case of the claimants, on 29.12.1997, at about 6.00 p.m. Des Raj was coming from his factory to his house on his bicycle and when he reached near Namastey Chowk, Karnal, a truck bearing Registration No.PB-06-A-2295 came from Delhi side, which was being driven in a rash and negligent manner and struck against the bicycle driven by Des Raj, as a result of which, he received serious and grievous multiple injuries and died at the spot. The matter was brought to the knowledge of the police by one Kali Charan on whose statement, FIR under Section 279/304-



A IPC was registered. On 30.1.1998, one Dev Raj moved an application before the police and disclosed the registration number of the offending vehicle and a case was registered against respondent No.1-Satnam Singh, driver of the offending vehicle.

4. After examining the evidence brought on record and going through the testimonies of the witnesses, the Tribunal held that the claimants failed to prove the fact that truck bearing Registration No.PB-06-A-2295 had caused the accident and consequently, the claim petition was dismissed.

5. Heard learned counsel for the parties.

6. The claimants are the wife and minor children of the deceased. Deceased Des Raj was said to be employed as Salesman with M/s Durga Industries, G.T. Road, Karnal earning Rs.3000/- 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 vehicle.

7. The Tribunal made a reference to the fact that as per the case of the claimants, the alleged accident occurred on 29.12.1997 and on the statement of one Kali Charan, FIR under Sections 279/304-A IPC was registered, wherein he had not disclosed the registration number of the truck allegedly involved in the accident and it was only on 30.1.1998, i.e. after 1 month, one Dev Raj moved an application to the police disclosing the registration number of the offending vehicle.

8. Further, PW2 Dev Raj deposed that on 29.12.1997 at about 5.30 p.m. he was going from village Kambohpora towards Karnal City and when he reached near Namaste Chowk, he noticed Des Raj going in front of his motorcycle and in the meantime, a truck bearing registration No.PB-06-A-2295 came from behind in a rash and negligent manner and hit him and



caused the accident.

9. If the deposition made by PW2 Dev Raj is taken as gospel truth, the question arises that allegedly when PW2 had seen the occurrence and was an eye witness to the accident, as to why he had not come forward to lodge the FIR; or had not disclosed such a crucial information to complainant Kali Charan, on whose statement FIR was registered. Another aspect which raises doubt regarding the veracity of testimony of PW2 Dev Raj is as to why after a lapse of 1 month, he moved an application to the police and disclosed the registration number of the offending vehicle when he was fully aware of the same right from the day of occurrence.

10. Furthermore, the Tribunal has also held that in the FIR lodged by Kali Charan, it was stated by him that the registration number of the truck could not be seen as it was dark. He had also not mentioned presence of any other person except him who witnessed the accident.

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 stands dismissed.

27.09.2024
vanita/Gulati

(DEEPAK MANCHANDA)
JUDGE

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