



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

FAO-4445-2003

Date of Decision: 12.11.2025

CHARANJIT KAUR AND ORS

....Appellants

Versus

NARESH KUMAR AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Paramjit Singh Brar, Advocate
for the appellants.

Mr. Vivek Sheoran, Advocate
for respondent No.2.

Ms. Gursimran Kaur, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No.3.

Parmod Goyal, J.

Claimants/appellants are aggrieved by order dated 03.09.2003 passed by learned Motor Accident Claims Tribunal, Faridkot (hereinafter referred to as 'Tribunal') vide which claim petition preferred by claimants/appellants was dismissed.

2. Claimants/appellants had sought compensation of Rs.12,00,000/- on account of death of Balwinder Singh. It is the case of claimants/appellants that deceased along with his wife Charanjit Kaur while coming from Ferozepur to Faridkot on his scooter bearing Registration No.PB04-G-6149, was hit by offending canter. On 19.11.2000 at about 6 PM when they were near Village Golewala, a canter bearing Registration No.HR-37-4054 being driven by respondent No.1/Naresh Kumar rashly and negligently without blowing any horn came from back side tried to over take from wrong side i.e. left side and struck against the scooter of the deceased.



On account of hit, deceased and Charanjit Kaur fell down on the road and received multiple injuries. The scooter on which they were travelling was also badly damaged. They were taken to GGS Medical College, Faridkot, however, deceased Balwinder Singh could not survive and postmortem on his dead body was conducted at the hospital.

3. It is the case of claimants/appellants that police official from Police Station Sadar Faridkot obtained thumb impression of Charanjit Kaur on blank papers and assured to take action against driver of canter. It was asserted that under the influence of respondent, police lodged a false DDR Report No.17 dated 19.11.2000. Without showing any fault on the part of respondent No.1 it was asserted that DDR was wrongly recorded and it was respondent No.1 who had caused death of Balwinder Singh due to his rash and negligent driving.

4. Respondent No.1 contested the claim petition by filing detailed written statement. It was asserted that previously claimants/appellants had filed a claim petition against Chaman Lal and others alleging that Chaman Lal was the owner and driver of alleged vehicle. Claimants/appellants had claimed that it was Chaman Lal who was driving the offending vehicle bearing registration No.HR-37-4054 at the time of accident, however, after amending the claim petition they have now taken a stand that it was respondent No.1/Naresh Kumar who was driving the vehicle. It was asserted that case of claimants/appellants is unreliable and claimants/appellants are estopped from filing amended petition by changing name of driver. Accident and involvement of respondent No.1 and offending vehicle was declined. It



was asserted that canter was standing on the kacha side of road, deceased was drunk and was driving scooter rashly and negligently and had struck the same on the back side of parked canter. It was asserted that accident had taken place due to rash and negligent driving of scooter and presence of respondent No.1 at the time of accident was denied by respondent No.1. It was asserted that petitioner was falsely implicated in FIR No.101 dated 13.10.2001. It was asserted that DDR No.17 dated 19.11.2000 was rightly recorded.

5. Respondent No.2 had denied the accident and asserted that he had purchased the vehicle only on 03.10.2001 and had no knowledge about the previous litigation. He denied involvement in accident and claimed to be *bona fide* purchaser and prayed for dismissal of claim petition.

6. Respondent No.3/Insurance Company of canter also took similar stand as was taken by respondent No.1. It denied the accident and involvement of respondent No.1 and offending canter. Respondent No.4/Insurance Company of scooter also denied its liability and prayed for dismissal of petition. Learned Tribunal had decided issue No.1 against the claimants/appellants and accordingly had dismissed the claim petition.

7. Learned counsel for claimants/appellants has argued that learned Tribunal has erred in ignoring evidence of Charanjit Kaur who happened to be injured eye-witness and has wrongly dismissed the claim petition merely because FIR was lodged belatedly. In the present case, claimant Charanjit Kaur had duly appeared as PW1 and reiterated the manner of occurrence regarding accident dated 19.11.2000 as was stated by



claimants/appellants in their claim petition. It was the case of claimants/appellants that accident had occurred on account of rash and negligent driving of respondent No.1 who while overtaking scooter from wrong side had hit the scooter which was driven by Balwinder Singh and due to said hit Balwinder Singh had died. On the other hand, respondent No.1/Naresh Kumar had duly appeared as RW1 and claimed false implication in the claim petition as well as in FIR No.101 dated 13.10.2001 registered with Police Station Sadar Faridkot.

8. Admittedly in the present case initially a DDR bearing No.17 dated 19.11.2000 was lodged on the statement of PW1 Charanjit Kaur. DDR has been placed on record as Ex.A10. It is duly signed by claimant/Charanjit Kaur and in said DDR recorded on the basis of statement of Charanjit Kaur, it was asserted that canter was standing on the left side of road and due to darkness her husband Balwinder Singh could not see the canter and struck against the canter on its back side. No doubt claimant/Charanjit Kaur has disowned DDR No.17 stated to be recorded on her statement, by stating that her signatures were taken on blank papers and statement was never read over to her. It is worth noticing that claimants/appellants had never raised any objection regarding wrong recording of DDR by the police. Claimant/Charanjit Kaur had only objected to DDR at the time of filing claim petition by making assertions in claim petition. She had never made any complaint to higher police authorities or any other authority regarding wrong lodging of DDR. Even the photographs Ex.A-1 to A-3 relied upon by claimants/appellants and placed by them goes to show that canter was



parked and scooter had struck against it from back side. Brick stoppers could be seen in the photographs which further goes to show that at the time of accident canter was parked and scooter can be seen laying at the back side of canter after the accident. These photographs in fact goes to corroborate the first version given by claimants/appellants and duly recorded in Ex.A-10. However, subsequently the version was improved/changed by PW1 by asserting that canter had caused accident after coming to wrong side while overtaking the scooter which goes to show that canter had either hit scooter from front side or from right side and not from back as is being depicted in the photographs relied upon by claimants/appellants.

9. Another fact which goes to create doubt over the case of claimants/appellants is that initially claim petition was filed against Chaman Lal father of Naresh Kumar but later on petition was amended and Naresh Kumar was impleaded as driver. The earlier version given by DDR further finds corroboration from evidence of respondent No.1/Naresh Kumar who duly had asserted that on the day of accident his truck had developed mechanical issues and, therefore, he had parked the truck on the left side of road and had gone to Faridkot to bring articles required for repair of canter. He further stated that when he came back, he found that accident had taken place and police was present on the spot. As per DDR also the accident had taken place when the canter was parked on the left side whereas as per claim petition and PW1 running canter had hit the scooter from wrong side. The first version recorded on the statement of Charanjit Kaur and evidence of RW1 in fact fully contradicts the version stated by claimants/appellants in



their claim petition after lapse of more than 1 ½ months at the time of filing of claim petition.

10. In the present case accident had taken place on 19.11.2000 and claim petition was filed on 06.01.2001 and before that the version was that canter was parked on the left side and since Balwinder Singh could not see the canter he had hit the same from the back side. Therefore, learned Tribunal has rightly concluded that claimants/appellants had failed to prove that accident had occurred on account of rash and negligent driving of respondent No.1. The contradictory stand taken by claimants/appellants one recorded immediately after accident vide DDR No.17 dated 19.11.2000 which is further corroborated by photographs Ex.A-1 to A-3 and evidence of respondent No.1 as RW1 contradicts and falsifies the belated self serving version taken by claimants/appellants that accident had occurred on account of rash and negligent driving of respondent No.1 who while over taking scooter from wrong side had hit the scooter. The first version recorded on the basis of statement of claimant/Charanjit Kaur herself corroborated by photographs and evidence of RW1 had rightly been accepted by learned Tribunal.

11. No fault with the approach of learned Tribunal can be found. The appeal is without merit, hence is dismissed. Pending application(s), if any, shall also stand disposed of.

(PARMOD GOYAL)
JUDGE

12.11.2025
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No