



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

FAO-5287-2025 (O&M)
Date of Decision: 05.12.2025

Ram Parkash Lakhanpal

....Appellant

V/s

Narinder Pal Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vikas Kumar Gupta, Advocate, for the appellant.

VIKRAM AGGARWAL, J. (ORAL)

CM-17689-CII-2025

Prayer in the present application preferred under Section 151 CPC is for condonation of delay of 203 days in refiling the appeal.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The delay of 203 days in refiling the appeal is condoned.

CM-17688-CII-2025

Prayer in the present application preferred under Section 5 of the Limitation Act, 1963 is for condonation of delay of 98 days in filing the appeal.

Heard.

For the reasons mentioned in the application, which is duly supported by an affidavit, the same is allowed. The delay of 98 days in filing the appeal is condoned.

FAO-5287-2025

The claimant (Ram Parkash Lakhanpal) has instituted the instant appeal aggrieved by the dismissal of his claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”) for the grant of compensation of Rs.8 lakhs on account of damage caused to his Maruti Alto Car bearing Regn. No.HP-36-A-0817 in a motor vehicular accident which took place on 18.09.2021.

2. It was averred that on 18.09.2021, the appellant-claimant was coming from Phase I, Industrial Area, Chandigarh to his house at Apurva Apartments, Sector 85, Mohali in his car bearing Regn. No.HP-36-A-0817 (hereinafter referred to as “the car in question”). At about 1.30 p.m., when he reached near the round-about of Sector 79-80, Mohali, a car bearing Regn. No.PB-29-L-0009 (hereinafter referred to as “the offending vehicle”) came at a high speed. It was being driven by respondent No.1 (Narinder Pal Singh) in a rash and negligent manner. The same struck in his car as a result of which, his car turned turtle and was totally damaged. The appellant-claimant also sustained serious injuries on his legs, shoulders and other parts of the body and was taken to Dr. B.R. Ambedkar State Institute of Medical Science/Civil Hospital, Mohali. It was averred that the damaged car was lying with a private mechanic at Dhanas (U.T. Chandigarh) and as per the estimate of the mechanic, more than Rs.2.5 lakhs would be spent on the repair of the car in question.

3. It was averred that the appellant-claimant was a veterinary doctor and without a car he had to hire a taxi on various occasions to attend his duties and had accordingly spent a sum of Rs.1 lakh on the same. It was averred that the accident had taken place on account of the sole negligence of the driver of the offending vehicle. He reported the matter to the police

but no FIR was lodged as the police had connived with respondent No.1.

4. The claim petition was opposed by the respondents. Respondent No.1 denied the factum of the accident. Respondent No.2 also raised its usual defences and denied the factum of the accident.

5. From the pleadings of the parties, following issues were framed:

- “1. Whether the vehicle bearing registration No.HP36-A-0817 was damaged in a motor vehicular accident which took place on 18.09.2021 at about 1.30 p.m. near the round about of Sector 79-80, Mohali on account of rash and negligent driving of the car bearing registration No.PB29-L-0009 driven by respondent No.1 Narinder Pal Singh?OPP***
- 2. If issue No.1 is proved, whether the claimant is entitled to receive the compensation, if so, to what extent and from which of the respondent ?OPP***
- 3. Whether the claim petition is not maintainable?OPR***
- 4. Whether the respondent No.1 was not having valid and effective driving license at the time of accident, if so, its effect? OPR-2***
- 5. Whether the car bearing registration No.PB29-L-0009 was being driven in violation of terms and conditions of the insurance policy at the time of accident, if so, its effect?OPR-2.***
- 6. Relief.***

6. The MACT dismissed the claim petition by holding that the claimant had failed to prove that the accident had actually taken place on account of the rash and negligent driving of respondent No.1 and the manner as alleged by him.

7. I have heard learned counsel for the appellant.

8. Learned counsel for the appellant has contended that Dr. Gaurav Lakhanpal, who was an eye witness, had duly stepped into the witness box as PW1 and the appellant-claimant had also stepped into the witness box as PW2. Reference was made to DDR No.28 dated 30.10.2021 (Ex.P5) and the application moved to the police. Learned counsel submits that the MACT did not examine the matter from the correct perspective and erroneously dismissed the claim petition.

the appellant but find the same to be devoid of merit.

10. First of all, no FIR as regards the accident was registered. On the contrary, DDR (Ex.P5) which was registered on 30.10.2021, after the application to the police, gave out a totally different story wherein, it had been stated by Dr. Gaurav Lakhanpal that the accident had taken place suddenly and per chance. There was no mention about the manner in which the accident had taken place and there was no reference of the offending vehicle in the said DDR. Accordingly, the version given in the DDR (Ex.P5) and the application Mark A given to the police was found to be different and contradictory by the MACT. Under the circumstances, the MACT dismissed the claim petition. Learned counsel for the appellant has not been able to point out as to under what circumstances the said findings are not sustainable.

11. In view of the aforesaid facts and circumstances, the instant appeal is found to be devoid of merit and is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

December 05, 2025

vcgarg

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No