



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

FAO- 1192-2002(O&M)

Date of decision: 23.09.2025

Kuldeep Singh

..Appellant

Versus

Amarjeet Singh and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Bhag Singh, Advocate for the appellant

Mr. Varun Sharma, Advocate
for respondent no.3-Insurance Company

MANDEEP PANNU, J.

1. This appeal has been filed by the claimant–appellant Kuldeep Singh against the award dated 21.09.2001 passed by the learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as ‘Tribunal’) whereby the claim petition filed by the appellant was dismissed.

Facts of the Case

2. The case of the claimant before the Tribunal was that on 05.10.1997, he was driving his Maruti car bearing registration number PJR–7484 from Rajpura towards his village Mohra. When he had covered about 5–6 kilometers from Rajpura towards Ambala on the GT Road, at about 6:00/7:00 P.M., a truck bearing registration number HR–06–9125, driven by respondent No. 1 in a rash, negligent and zig-



zag manner, came from the Ambala side on the wrong side of the road and struck against his vehicle. The appellant, who was driving on the correct left side at a moderate speed, suffered multiple injuries and remained admitted in hospital from 05.10.1997 to 11.10.1997. He claimed that he had spent more than ₹2,50,000/- on treatment, transportation, and incidental expenses, and on account of the accident, he suffered permanent disability, resulting in heavy physical, psychological, and commercial loss. It was further pleaded that respondent Nos. 1 and 2 were driver and owner of the offending truck respectively, and the vehicle was duly insured with respondent No. 3, the insurance company, and hence all were jointly and severally liable to pay the compensation.

3. Respondent Nos. 1 and 2 contested the petition by denying the negligence and set up the plea that the accident was not caused by the vehicle in question. Respondent No. 3, the insurance company, also resisted the claim, submitting that there was no liability on it as no accident involving the insured vehicle had occurred and further alleged collusion between the claimant and respondent Nos. 1 and 2.

4. On the pleadings of the parties, issues were framed and evidence was led. After considering the material, the Tribunal dismissed the claim petition by observing that the circumstances clearly established that respondent Nos. 1 and 2 were in collusion with the claimant and had attempted to dupe the insurance company.

**Submissions**

5. Learned counsel for the appellant has assailed the impugned award by submitting that the Tribunal has gravely erred in dismissing the claim petition despite the fact that there was cogent evidence regarding the involvement of the offending truck. It is submitted that the compromise Ex.PX entered into between the appellant and the owner of the truck was duly signed by the driver as well, and this clearly established the involvement of the vehicle. It was further argued that the Tribunal erred in ignoring the statement of Harbhajan Singh (RW3), the owner, who admitted the execution of Ex.R2 but tried to retract from the same. It was contended that the finding of collusion is based on conjectures and surmises and that the dismissal of the claim petition has resulted in serious miscarriage of justice.

6. Per contra, learned counsel for the insurance company has supported the award and argued that the circumstances noted by the Tribunal unmistakably establish collusion between the claimant and respondent Nos. 1 and 2. It is submitted that the conduct of the parties, the absence of prompt reporting to the police, the contradictory stand of the owner, and the non-production of material evidence including the testimony of the nephew of the claimant, who was travelling in the car, all go to show that the claim petition was filed with the object of obtaining wrongful gain by fastening liability



upon the insurer. Learned counsel, therefore, submitted that the award calls for no interference.

Findings

7. Having heard learned counsel for the parties and on perusal of the record, this Court finds no infirmity in the award of the Tribunal. The Tribunal has recorded a detailed finding on the basis of several circumstances, each of which supports the conclusion of collusion. Firstly, the appellant is himself a transporter and admittedly maintained good relations with other transporters. Secondly, there was unexplained delay in associating the alleged offending truck with the accident, and no prompt complaint was made to the police, which was the natural course if the vehicle had been genuinely involved. Thirdly, no criminal case was ever registered against respondent No. 1. Fourthly, though the claimant's nephew was travelling with him, he was not examined, thereby withholding the best possible witness. Fifthly, the hospital records from Civil Hospital, Rajpura, and initial record from PGI, Chandigarh, were not produced. Sixthly, the gate register entry of the factory, Ex.R1, proved that the alleged offending truck was engaged in loading at a distant place at the relevant time. Seventhly, the compromise Ex.PX was suspicious, as none of its witnesses were produced, and the owner himself later executed an affidavit contradicting the compromise and asserting that the vehicle was elsewhere.



8. These circumstances, considered cumulatively, are sufficient to hold that the claim petition was a result of collusion between the claimant and respondent Nos. 1 and 2 with the intent to fasten liability upon the insurance company. In such a situation, the Tribunal rightly held that the claim was not genuine and dismissed the petition.

Conclusion

9. For the reasons recorded above, this Court finds that the award dated 21.09.2001 suffers from no illegality or perversity. The findings of collusion recorded by the Tribunal are based on sound appreciation of evidence and material circumstances. This Court sees no reason to interfere.

10. Accordingly, the present appeal stands dismissed.

11. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

23.09.2025

rekha

Whether speaking/reasoned Yes/No

Whether reportable Yes/No