



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

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**FAO-1433-1997 (O&M)
Date of decision : 07.03.2025**

Ranjit Kaur (since deceased) through her LR Ramanjit Kaur

..... Appellant

versus

Dr. Gian Chand Chawla and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sushil Kumar Verma, Advocate
for the LR of appellant.

Mr. Sandeep Khunger, Advocate and
Mr. Saksham Khunger, Advocate
for respondent No.1.

PANKAJ JAIN, J. (Oral)

CM-17666-CII-2023

This is an application under Order 22 Rule 3 read with Section 151 CPC for bringing on record LRs of appellant-Ranjit Kaur (since deceased). She stated to have died on 13.01.2022 during the pendency of the appeal. Copy of the death certificate has been annexed alongwith application. As per the averments raised in para 4, Ranjit Kaur executed registered Will in favour of the applicant.

Application is supported by affidavit. Mr. Khunger pleads no objections. Application is allowed, subject to just exceptions. Amended memo of parties is taken on record.

**Main case**

1. With the consent of both the counsels, the main case is ordered to be taken on Board today itself for final disposal.

2. Challenge is to the award dated 11.04.1997, whereby claim petition filed by the appellant stands dismissed, holding that the appellant-claimant failed to prove that the alleged offending vehicle was involved in the accident.

3. Claim petition was filed by the appellant-claimant that on 04.10.1992 at about 4.30 p.m, Harpal Singh (since deceased) while crossing road alongwith one Rajinder Prashad to catch bus at Shiva Chowk, Sirsa was hit by scooter bearing registration No.HNT 562, being driven by respondent No.3 rashly and negligently. The factum of the accident was denied by the respondent in the written statement.

4. On the basis of the pleadings, following issues were framed:-

- “1. Whether the accident in question was caused by respondent No.1 Dr. Gian Chand while driving scooter No.HNT/562 rashly and negligently as alleged in the petition? OPP
2. To what amount of compensation the petitioner is entitled and from whom? OPP
3. Whether the petition is not maintainable in the present form as alleged? OPR
4. Relief.”

5. In order to prove issue No.1, Rajinder Kumar appeared as PW-2. He claimed to be an eye witness. Rajinder Kumar while testifying before the Tribunal on oath, claimed that he alongwith Harpal Singh (since deceased) were standing at Band Gate, Sirsa on katcha portion of the road. After a while, a scooter bearing No.HNT-562 came



manner and was struck against Harpal Singh. He also claimed that the scooter was being driven by Gian Chand. Tribunal disbelieved the testimony of Rajinder Kumar, holding that the same was totally in contradiction to the pleadings raised in para 24 of the claim petition and the copy of FIR Ex.P-4.

6. In the pleadings as well as in the FIR, the factum of the accident was that Harpal Singh and Rajinder Kumar were crossing the road. Likewise, Tribunal found that Gian Chand having been arrested after 10 months from the date of accident. Despite the fact that as per Rajinder Kumar, the number of scooter was known on the date accident, whole of the story put forward in the claim petition also was unbelievable. Mr. Verma has not been able to point out any evidence which has been misread by the Tribunal. Pure finding of fact has been recorded by the Tribunal. After appreciating evidence on record, the opinion formulated by the Tribunal seems to be plausible. Finding no merits in the present appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

07.03.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No