

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

2025.PHHC.129394



**FAO-1516-1998 (O&M)
DATE OF DECISION : 17.09.2025**

**GANGA DEVI AND OTHERS
V/S
MOHAN LAL AND OTHERS**

**... APPELLANTS
... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Manoj Tanwar, Advocate for the appellants.

Mr. Amandeep Vashisth, Advocate for respondent No.3.

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by unsuccessful claimants whose claim petition was dismissed vide the impugned order dated 26.05.1998 passed by the learned Motor Accidents Claims Tribunal, Sonapat (hereinafter referred as 'Tribunal').

2. The simple case of claimants was that on 07.07.1995 deceased Mai Chand after finishing his work at Niwar factory and after doing shopping in Gohana at about 11 p.m. was returning on his bi-cycle. His brother Suraj Bhan met him near the fields of Dr. Dharambir as he had gone to enquire about him as deceased had not returned back till 11 p.m. That while they were talking while standing on the berm of the road, TATA 407 bearing registration No. HR-05-1708 being driven by respondent No.1 rashly and negligently without blowing any horn came from Gohana side and had hit deceased Mai Chand.

3. It is the case of claimants that deceased thereafter was taken to Civil Hospital where his post-mortem was conducted and accordingly, compensation of Rs.8,00,000/- was sought by the claimants.

4. Respondent nos. 1 and 2 had denied involvement of their vehicle in the accident. Similar defence was taken by respondent no.3.

5. Learned Tribunal after considering the pleadings as well as evidence of the parties concluded that claimants have failed to prove involvement of offending vehicle No. HR-05-1708 in the accident. The sole evidence of Suraj Bhan who had lodged DDR as well as FIR regarding the accident was not believed. It was held that accident had taken place on account of hit and run and offending vehicle has been falsely implicated in the present case. Learned Tribunal has noticed and discarded the evidence of Suraj Bhan as regards involvement of offending vehicle rather has doubted the presence of Suraj Bhan at the time of accident.

6. From the evidence led by parties, specially DDR and FIR lodged by Suraj Bhan, it is clearly made out that DDR as well as FIR was lodged on the next day of accident and vehicle number of the offending vehicle was not mentioned therein though in FIR as well as DDR Suraj Bhan had duly asserted that offending vehicle was TATA 407. No material has been placed on record by claimants to show as to how vehicle number of offending vehicle came to public domain except for sole testimony of Suraj Bhan who appeared as PW2 claiming that he had come to know about the vehicle number and had informed the police after 13 days of accident. However, evidence of PW2 does not show how he came to know about vehicle number when vehicle number was not known to him on the date of lodging FIR. He was duty bound to explain how he came to know about it

subsequently. If the vehicle number could not be seen on account of night hours, it was duty of PW2/claimants to explain how the vehicle number came to their knowledge.

7. Learned counsel for the appellant has made reference to assertions made in DDR wherein author of DDR i.e. Suraj Bhan had asserted that after the accident the offending vehicle had stopped at the place of accident. The driver had got down from the vehicle and he had duly seen driver in the light of other vehicle. However, these assertions are also not believable on the ground that if the driver had stopped and he could see the face of the driver, then he needs to explain why number of offending vehicle was not noted and when it came to his knowledge and how.

8. In FIR itself PW2 Suraj Bhan had mentioned that after the accident and death of his brother, he left dead body of his brother on the road and left for his house and came back on the next day along with sons of deceased and thereafter, took the deceased to Civil Hospital for post-mortem. This conduct of PW2 as stated by him in the FIR has been duly noted by learned Tribunal to conclude that in fact PW2 was not present at the time of accident as it is improbable for a real brother to leave dead body of his brother on the road side and no effort either to lodge FIR or take dead body to civil hospital was made. The appreciation of evidence by learned Tribunal in the facts and circumstances of the present case specially in view of the assertions of Suraj Bhan himself while lodging FIR cannot be faulted with.

9. It is worth noticing that in the present case, respondent No.1 was acquitted in criminal trial, though findings of criminal court are not binding on the claims tribunal. However, in matter where vehicle is stated to

be falsely involved, then it do play an important role in consideration of evidence led by claimants. Learned counsel for the appellants has made reference to the judgement of Hon'ble Supreme Court of India in **Kusum Lata and others vs. Satbir and others** in SLP(C) No. 24432/10 and of Allahabad High Court in **Sarita Sharma and another vs. Mohd. Usman and others** 2022(152) ALR 428. There is no doubt regarding principle of law stated therein. It is admitted principle that before claims tribunal, the standard of proof is preponderance of probabilities and not to prove case beyond reasonable doubt. In fact, motor accident claims cases are not even regular trials and are not governed by strict principles of Evidence Act. Standard of proof i.e. preponderance of probabilities can be sufficiently discharged by claimants by showing even prima facie case. It is also not in doubt that Courts should be liberal in granting compensation and considering evidence of claimants on the touch stone of preponderance of probabilities to the extent of prima facie case but it does not justify any attempt on the part of claimants to falsely implicate a vehicle and seek compensation.

10. Death in a motor accident is an unfortunate occurrence. However, the compensation is payable only in accordance with law and not on compassionate basis alone. In the present case, there is no doubt that deceased had died in a motor accident. It was a hit and run case. Therefore, claimants shall be free to seek compensation in accordance with law payable in a hit and run case by claiming the same before the appropriate authorities.

11. In view of above discussion, specially findings of learned Tribunal duly recorded in para nos. 12 and 13 of the award, I do not find any error with the conclusions drawn by learned Tribunal. There is no

defect in the findings recorded by learned Tribunal. The appeal is without any merit and hence, dismissed.

17.09.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No