



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

(106)

**FAO No. 2505 of 1999
Reserved on: 16.09.2025
Pronounced on:19.09.2025**

Ritu Saini and Others

... Appellants

Versus

Rai Singh and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Robin Dutt, Advocate,
for the appellants.

Mr. Arvinder Arora, Advocate,
for the Respondent No.1 and 3(a).

Mr. Jatinder Singh Chahal, Advocate,
for the Respondent No.2(iv)(a) and (b).

Mr. Paul S. Saini, Advocate,
for the Respondent No.4-Insurance Company.

VIRINDER AGGARWAL, J.

1. The present appeal has been preferred by the claimants assailing the award dated 14.06.1999 passed by the Motor Accident Claims Tribunal, Ambala, whereby the claim petition filed by the appellants under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of death of Bansilal in a motor vehicular accident was dismissed.

FACTUAL BACKGROUND

2. On 17.11.1994, Bansilal was going to his village on scooter (CHT-2985) and a tractor-trolley bearing registration No. HYE-6510,



driven rashly and negligently by respondent No.1, struck with him and caused fatal injuries to him. Upon which he succumbed to the injuries in Civil Hospital, Naraingarh. Thereafter, the claim petition was filed by present appellant Ritu Saini as the adopted daughter and dependent of the deceased, seeking compensation for Rs.10,00,000 on account of death of Bansi Lal.

3. Upon appreciation of pleadings and evidence, the learned Tribunal returned categorical findings against the claimants. It was held that the claimants had failed to prove that Bansi Lal died in a motor accident involving tractor-trolley No. HYE-6510 allegedly driven by respondent No.1. The Tribunal noticed contradictions in the testimony of witnesses, absence of reliable corroboration, and inconsistencies between the FIR and the oral evidence. The FIR registered at the instance of the complainant did not disclose the particulars of the driver or even the vehicle with sufficient clarity. The subsequent attempt to introduce the offending tractor was viewed as an afterthought, unsupported by cogent corroboration.

4. Learned Tribunal further noted *that* the claim of adoption set up in favour of Ritu Saini was not proved. No adoption deed, no proof of ceremony, nor any independent evidence was produced. Only an application form showing Ritu as daughter of Bansi Lal was tendered, which was insufficient. Consequently, the Tribunal dismissed the claim petition in toto. On these findings, the learned Tribunal held that the claimants failed to establish either the accident due to rash and negligent driving of respondent No.1 or their own locus standi as legal



representatives of the deceased. Consequently, the claim petition was dismissed.

CONTENTIONS

5. Learned counsel for the appellants has argued that the that the learned Tribunal erred in dismissing the claim petition on hyper-technical grounds. It is submitted that the learned Tribunal erred in discarding the testimony of PW4 Shiv Kumar, who is eye-witnesses to the occurrence. Also, the FIR Ex.P2 and other material on record supported the case of the appellants, and that minor contradictions should not have resulted in complete dismissal. Further. It is further urged that the learned Tribunal adopted an unduly strict approach in rejecting the claim of adoption, even though oral evidence supported it.

6. Per contra, learned counsel for the respondents supported the award of the Tribunal, submitting that the claimants had failed to discharge the basic burden of proof. It was argued that the FIR itself was vague, the involvement of the vehicle was doubtful, and the claim of adoption was wholly unsubstantiated.

OBSERVATIONS AND FINDINGS

7. I have carefully considered the rival submissions and examined the record. The award shows that the learned Tribunal did not dismiss the claim petition lightly but only after noting serious infirmities in the claimants' case.

8. At the threshold, the claimants failed to prove that the accident in question took place due to rash and negligent driving of tractor-trolley



No. HYE-6510 allegedly driven by respondent No.1 Rai Singh, as the version of the claimants' witnesses is inconsistent on material particulars. PW4 Shiv Kumar stated that tractor-trolley HYE-6510 struck Banshi Lal and that he, along with Harbans Lal, shifted the injured to the hospital where he died. However, in cross-examination, he admitted that he could not identify the driver since the occurrence took place at about 8:00 PM in a rural area with no street lights, and that the driver had run away from the spot. In such circumstances, his claim of having noted the tractor number becomes doubtful. This doubt is further supported by the FIR (Ex. P2), wherein Harbans Lal, who admittedly accompanied Shiv Kumar, stated that he could not read the tractor number properly. If PW4-Shiv Kumar and Harbans Lal were indeed together at the scene, and Shiv Kumar was having all details of the offending vehicle then he Kumar should have supplied these details to him.

9. More significantly, while Shiv Kumar expressed complete ignorance about the driver's identity, Harbans Lal in the FIR named one Gian Dass as the driver. Later, the police found Gian Chand innocent as per Police Report (Ex. P5), Despite this, the claim petition was filed showing Rai Singh as respondent No.1 and driver of the offending tractor. There is no material on record as to how Rai Singh was identified as driver of Tractor-trolley and by whom he was named. Thus, these contradictions, where one witness referred only to the number of tractor trolley without identifying the driver and the other named a driver who was later found innocent, seriously undermine the credibility of the claimants' version. Further, Testimony of PW4-Shiv Kumar with regard to number of tractor trolley was also rightly discarded by the Learned Tribunal as Tractor



crossed over him at night time when he was also going on scooter. There is no possibility of his noting down the registration number of Tractor crossing him and when he was reached at place of accident, tractor was already gone from that place. Therefore, the learned Tribunal rightly held that the allegations of respondent no. 1 having caused accident by rash and negligent driving of Tractor-trolley bearing no. HYE-6510 was not proved.

10. Further, At this stage this Court observes that the evidence of Gurnam Singh (PW3), Sanjay Mehta (PW1), and Surinder Kumar (PW5), along with the application form where Ritu Saini was described as the daughter of the deceased, demonstrates that Bansi Lal regarded and recognized her as his own child. Significantly, even the parents of Bansi Lal acknowledged her as his adopted daughter in the claim petition. In view of these circumstances and the consistent oral evidence, Ritu Saini is to be considered as a dependent of the deceased for the purpose of the present claim.

11. It is well settled that in a claim under Section 166 of the Motor Vehicles Act, the burden lies upon the claimants to establish by cogent evidence the factum of accident, rash and negligent driving of the offending vehicle, and their locus standi as legal representatives of the deceased. In ***Oriental Insurance Co. Ltd. v. Meena Variyal & Ors.*** (2007) 5 SCC 428 and ***Surender Kumar Arora v. Dr. Manoj Bisla***, 2012 (4) SCC 552, it was held that the claimant must establish, by cogent evidence, the factum of accident, negligence, and involvement of the vehicle. Hence, In the absence of proof of these essential elements, the



claim cannot be entertained. The learned Tribunal's findings are thus based on a sound appreciation of evidence and settled legal principles.

12. In view of the foregoing discussion, I find no perversity or illegality in the appreciation of evidence by the learned Tribunal. On the contrary, the dismissal of the claim petition is based on sound reasoning supported by the material contradictions on record, and cannot be interfered with in appellate jurisdiction.

13. For the reasons recorded above, The appeal is devoid of merit and is accordingly dismissed. The award dated 14.06.1999 passed by the Motor Accident Claims Tribunal, Ambala, is affirmed.

(VIRINDER AGGARWAL)
JUDGE

19.09.2025
Saurav Pathania

- (i) *Whether speaking/reasoned* : Yes/No
- (ii) *Whether reportable* : Yes/No