



CM-17507-CII-2019 &
CM-14384-CII-2025 IN/&
FAO-1235-2001(O&M)

--:1:-

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

(229)

**CM-17507-CII-2019 &
CM-14384-CII-2025 IN/&
FAO-1235-2001(O&M)
Reserved on : 04.12.2025
Pronounced on: 10.12.2025
Uploaded on: 10.12.2025**

RAJWANT KAUR AND OTHERS

... APPELLANTS

VERSUS

AMRIK SINGH AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Munish Gupta, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3.

VIRINDER AGGARWAL, J.

1. The present appeal and the accompanying *CM-17507-CII-2019 and CM-14384-CII-2025* have been preferred by the claimants for assailing the award dated 30.01.2001 passed by the Motor Accident Claims Tribunal, Hoshiarpur, as well as the impugned order dated 30.01.2001 whereby the learned Tribunal dismissed the application moved by the claimants for leading additional evidence, and in consequence dismissed the main claim petition under Section 166 of the Motor Vehicles Act, 1988.

BACKGROUND FACTS

2. The brief facts are that Man Singh, aged about 41 years, allegedly suffered fatal injuries in a motor vehicular accident which occurred on 10.05.1998

involving the bus bearing registration No. PB-09A-4881, driven by respondent No.1. A claim petition was preferred by the wife, children and mother of the deceased seeking compensation. The learned Tribunal, however, dismissed the claim petition primarily on the ground that the involvement of the offending vehicle was doubtful and there was variance regarding the registration number of the vehicle mentioned in the FIR. It further emerges from the record that during the course of proceedings, the claimants had filed an application before the learned Tribunal seeking permission to lead additional evidence by examining the Criminal Ahlmad of the Court of Illaqa Magistrate, Hoshiarpur, specifically to remove the ambiguity regarding the identity and ownership of the offending bus. The said application, however, was dismissed vide order dated 30.01.2001 solely on the ground that such application could not be entertained after the stage of final arguments being heard, and thereafter the main claim petition was also dismissed. Aggrieved therefrom, the present appeal has been filed by the claimants.

CONTENTIONS

3. Learned counsel for the appellants submits that the learned Tribunal has wrongly dismissed the application for leading additional evidence, which was specifically moved to clarify the identity and ownership of the offending vehicle by examining the Criminal Ahlmad of the Court of Illaqa Magistrate, Hoshiarpur. It is argued that without affording such opportunity, the learned Tribunal proceeded to dismiss the claim petition, which has resulted in grave prejudice to the claimants. Learned Counsel further submits that mere discrepancy of the vehicle number in the FIR could not be a ground to non-suit the claimants, and that the Motor Vehicles Act proceedings require a liberal and substantive approach. Accordingly, a prayer is made for setting aside the

impugned order dismissing the application as well as the claim petition and for remanding the matter to the learned Tribunal for fresh adjudication after permitting the appellants to lead additional evidence. It is thus submitted that during the pendency of the present appeal, ***CM-17507-CII-2019*** and ***CM-14384-CII-2025*** have been filed for placing on record certain documents (Annexure P1-P10) to establish and the ownership as well as involvement of the offending vehicle (PB-09A-4881). It is the submission of learned counsel that these documents could not be produced before the learned Tribunal and the same are necessary for the just adjudication of the matter.

4. Per-contra, learned counsel representing the Insurance Company supports the impugned award and submits that the learned Tribunal has rightly dismissed the application and the claim petition. It is argued that the claimants themselves failed to establish the involvement of the alleged offending vehicle during the trial and, therefore, no fault can be found with the approach adopted by the learned Tribunal. It is further contended that the plea now sought to be raised by way of applications and documents at the appellate stage ought not to be allowed, and the dismissal of the claim petition by the learned Tribunal calls for no interference. Accordingly, dismissal of the appeal has been prayed for.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel for the parties at length and perused the record.

6. The proceedings under the Motor Vehicles Act are essentially benevolent in nature and the primary object of the statute is to secure just and fair compensation to the victims of motor accidents. The inquiry before the Motor Accident Claims Tribunal is not strictly adversarial. The Hon'ble Supreme

Court in *Bimla Devi v. Himachal Road Transport Corporation, 2009 (13) SCC 530*, as well as in *Mangla Ram v. Oriental Insurance Co., 2018 (5) SCC 656*, has held that the learned Tribunal must adopt a pragmatic and liberal approach in motor accident claim petitions. Further, the strict and technical rules of pleadings or evidence do not apply and the claimants are only required to establish their case on the touchstone of preponderance of probabilities.

7. In the present case, the learned Tribunal has dismissed the claim petition on technical objections relating to registration number of the vehicle and alleged inconsistency vis-à-vis the FIR, without permitting the claimants to substantiate their case by proving the relevant documents sought to be produced by examining the Criminal Ahlmad of the court of Illaqa Magistrate, Hoshiarpur. The rejection of such permission solely on the ground that the matter was at the stage of final arguments cannot be upheld. The stage of proceedings cannot override the fundamental duty of the learned Tribunal to ascertain the truth and to ensure that justice is done between the parties. As, the proceedings before the learned Tribunal are not adversarial and strict rules of evidence and procedure cannot be mechanically applied so as to deprive the claimants of substantive adjudication of their claim. The denial of opportunity to produce material documents, which go to the root of matter regarding clarification of ownership and registration number of the offending vehicle, resulted in serious prejudice and miscarriage of justice. The learned Tribunal was required to decide the application on merits rather than dismissing the same on technical ground of late filing. Therefore, rejecting application of additional evidence on the ground of stage of proceedings defeats the very purpose of the benevolent legislation and thus cannot be approved.

8. In view of the aforesaid discussion and without commenting upon the merits of the case, the present appeal is **allowed** to the extent that the impugned order dated 30.01.2001 and award dated 30.01.2001 passed by the learned Tribunal are set aside and the matter is remanded back to the Motor Accident Claims Tribunal, Hoshiarpur, for fresh adjudication of application for additional evidence on merits in accordance with law and thereafter to pass the fresh award. The learned Tribunal shall also decide **CM-17507-CII-2019** and **CM-14384-CII-2025** before passing the award.

10. The learned Tribunal is directed to make an endeavour to conclude the proceedings expeditiously, preferably within a period of six months from the date of receipt of certified copy of this order.

11. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

10.12.2025

Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

<i>Whether reasoned / speaking?</i>	<i>Yes / No</i>
<i>Whether reportable?</i>	<i>Yes / No</i>