

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

2025:PHHC:128680



(105)

FAO-1645-2001 (O&M)  
Decided on : 16.09.2025

Jai Pal

.....Appellant(s)

Versus

Balwan Singh & another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE HARKESH MANUJA**

Present: Mr.Maneet Kaushik, Advocate, for  
Mr.Ashit Malik, Advocates, for the appellant.

Mr. Ashwani Talwar, Advocate  
and Mr.Deepak Goyat, Advocate, for respondent No.2-  
Insurance Company.

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**HARKESH MANUJA, J. (Oral)**

By way of the present appeal, challenge has been raised to the award dated 16.08.2000 passed by the MACT, Karnal whereby the claim petition preferred at the instance of claimant/owner of vehicle No.HR-45-2170 for claim towards damage to the said vehicle in motor accident held on 14.10.1998, stands dismissed.

2. As per the claim petition, an accident took place on 14.10.1998 at 6.30 P.M. in the area of Uchana Bus Stand on the G.T.Road, Karnal involving vehicle No.HR-45-2170, owned by the appellant; driven by one Nar Singh and vehicle No.HR-46-5222 driven by respondent No.1. DDR No.12 dated 15.10.1998 was got registered at Police Station Sadar, Karnal by driver of the vehicle No.HR-46-5222 with respect to the afore-mentioned accident. The appellant-claimant, being the owner of vehicle No.HR-45-

2170, filed claim petition before the MACT, Karnal on account of damage to his vehicle. However, the same was dismissed by the Learned MACT, Karnal vide its award dated 16.08.2000 by holding that the appellant failed to prove the factum of accident in question. Hence the present appeal.

3. Having heard learned counsel for the parties and upon perusal of the paperbook as well as the Lower Court record, it can be traced out that the factum of accident dated 14.10.1998 was duly established on the file from the DDR No.12 dated 15.10.1998 which was proved as Ex.P31 and was got recorded at the instance of respondent No.1 who happened to be driver of the offending vehicle i.e. HR-46-5222. In the present case the aforementioned DDR was produced on record in the statement of learned counsel representing the claimant-appellant before the Learned MACT, Karnal. At that point of time, no objection was ever raised, either with respect to the admissibility of the said document or even about the mode of proof. Furthermore, the factum of accident was also established on record from the deposition made by PW-2, Nar Singh, who was the driver of vehicle No.HR-45-2170, besides even through the photographs (Ex.P2 to P11) which were proved on record.

4. On the other hand, the Learned Court below went wrong to conclude that there was collusion between the appellant and respondent No.1, as no such suggestion to this effect was ever put to the appellant-claimant at the time of his appearance before the Court below as witness-PW-4. In such circumstances, the plea of collusion been raised in the written statement on behalf of respondent No.2 was never established on record.

5. Accordingly, finding merit in the present appeal, the impugned award dated 16.08.2000, passed by the Learned MACT, Karnal is hereby set

aside, with the positive finding that the accident in question which took place on 14.10.1998 between the two vehicles namely, HR-45-2170 and HR-46-5222 was duly proved and established on record.

6. At this stage, having examined the record, it has been proved vide receipts (Ex.P22 & P-23) that the appellant-claimant spent Rs.78,251/- on account of damages suffered to his vehicle No.HR-45-2170. Accordingly, the appellant-claimant shall be entitled for the said amount from respondent No.2, alongwith interest @ 6% from the date of filing of the claim petition till realisation.

7. The present appeal stands allowed, in the above-said terms. All pending application(s) also stand disposed of.

**September 16, 2025**  
*sailesh*

**(HARKESH MANUJA)**  
**JUDGE**

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|-----------------------------|--------|
| Whether speaking/reasoned : | Yes/No |
| Whether Reportable :        | Yes/No |