



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. FAO-545-2004 (O&M)

Harinder Singh

..Appellant

Versus

Jasbir Singh @ Chhana and others

..Respondents

2. FAO-546-2004 (O&M)

Des Raj

..Appellant

Versus

Jasbir Singh @ Chhana and others

..Respondents

3. FAO-702-2004 (O&M)

Mange Ram

..Appellant

Versus

Jasbir Singh @ Chhana and others

..Respondents

4. FAO-703-2004 (O&M)

Gulab Singh

..Appellant

Versus

Jasbir Singh @ Chhana and others

..Respondents

Reserved on :10.12.2025
Pronounced on: 12.12.2025
Uploaded on 15.12.2025

*Whether only operative part of the judgment is
pronounced or the full judgment is pronounced: Operative part/full judgment*

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

FAO-545-2004

Present:- Mr.B.S.Mamli, Advocate for the appellant

Mr.R.C.Kapoor, Advocate for
respondent no.4/Insurance Company



FAO-546-2004

Present :- Mr.B.S.Mamli, Advocate for the appellant

Mr.R.C.Kapoor, Advocate for
respondent no.3/Insurance Company

FAO-702-2004

Present:- Mr.B.S.Mamli, Advocate for the appellant

Mr.R.C.Kapoor, Advocate for
respondent no.4/Insurance Company

FAO-703-2004

Present:- Mr.B.S.Mamli, Advocate for the appellant

Mr.R.C.Kapoor, Advocate for
respondent no.4/Insurance Company

MANDEEP PANNU, J.

1. By this common judgment, four connected First Appeals against Order i.e FAO-545 of 2004, FAO-546 of 2004, FAO-702 of 2004 and FAO-703 of 2004 shall stand disposed of.

2. The four claim petitions filed on behalf of the claimants (appellants herein), arising out of the same accident dated 02.12.2001, were dismissed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal') by a consolidated award dated 05.11.2003. Hence, the present appeals have been filed for setting aside the aforesaid award and grant of compensation.

3. The brief facts of the case are that on 02.12.2001, at about 7:30 p.m., Harinder Singh was driving his motorcycle with Gulab Singh as the pillion rider, proceeding towards Village Milk Sekhan. When they reached near the village, a cyclist with a lady seated on the carrier was coming from the opposite direction and was



also heading towards Village Milk Sekhan. At that moment, a tractor bearing registration No. HR-01-F/6445, being driven by Jasbir Singh @ Chhanna in a rash and negligent manner, came from the opposite direction and hit the cyclist, causing injuries to him as well as to the lady sitting on the carrier. In an attempt to flee, the tractor then hit the motorcycle of Harinder Singh, causing serious injuries to Gulab Singh and minor injuries to Harinder Singh. As a result of this accident, four separate claim petitions were filed:

- (i) Claim Petition No. 27 dated 16.01.2002 by Harinder Singh for the injuries suffered by him;
- (ii) Claim Petition No. 28 dated 16.01.2002 by Mange Ram (the cyclist) for the injuries suffered by him;
- (iii) Claim Petition No. 29 dated 16.01.2002 by Des Raj for the death of his mother, Manbhari (the lady sitting on the carrier); and
- (iv) Claim Petition No. 30 dated 16.01.2002 by Gulab Singh for the injuries suffered by him in the accident.

4. On notice being issued, all the respondents contested the claim petitions before the Tribunal by filing their separate written statements. Thereafter, Tribunal framed the following issues:-

- “1. Whether Manbhari died and other claimants Mange Ram, Gulab Singh and Harinder Singh received injuries due to rash and negligent driving of tractor no. HR-01-F/6445 by its driver-respondent no.1? OPP*
- 2. To what amount of compensation, the claimants are entitled to and from whom? OPP.*
- 3. Whether respondents are not liable to pay any compensation due to the preliminary objections taken in the written statement? OPR*



4. Relief.”

5. The Tribunal decided issue No. 1 against the claimants on the ground that they failed to discharge the onus of proving that the accident in question occurred due to the rash and negligent driving of tractor No. HR-01-F/6445 by respondent No. 1. Consequently, the claimants were held not entitled to any compensation, resulting in the dismissal of all four claim petitions.

6. Learned counsel for the appellants/claimants contends that the findings of the Tribunal are erroneous and liable to be set aside. The claimants have duly proved that the accident resulted in the death of Manbhari and caused injuries to three of them, namely Mange Ram, Harinder Singh, and Gulab Singh. He further submits that the claimants are entitled to reasonable compensation under the Motor Vehicles Act, 1988.

7. Per contra, learned counsel for the Insurance Company submits that the award passed by the Tribunal is well-reasoned and has been rendered after taking into consideration the entire evidence.

8. Having considered the submissions addressed and after going through the impugned award as well as the material placed on record, I am of the considered view that the learned Tribunal has rightly dismissed the claim petitions. The Tribunal, on a meticulous appreciation of the testimonies of PW-7 Mange Ram, PW-8 Gulab Singh, PW-13 Harinder Singh and the FIR, has correctly held that the involvement of the alleged offending tractor in the accident is not



proved. The contradictions in the statements of the material witnesses, the admitted fact that none of them knew the tractor driver, the absence of the tractor number in the FIR, the explanation of the supposed source of information being wholly unreliable, coupled with the mechanical report indicating that the tractor had no damage whatsoever, fully justify the conclusion that the vehicle was subsequently introduced only for the purpose of seeking compensation. The Tribunal has also noticed that no corroborative evidence was led to connect the tractor with the accident, and the testimony of PW-6 Jaswinder Singh was found to be wholly untrustworthy as his name does not figure in any earlier record or in the list of witnesses. It is also significant to note, as rightly observed by the learned Tribunal, that the reliance placed by the claimants on the alleged disclosure made by Manbari regarding the name of the tractor driver is wholly untenable. The evidence of PW-13 Harinder Singh and PW-7 Mange Ram themselves reveals that Manbari had died at the spot of the accident. Once claimants Harinder Singh and Mange Ram categorically admitted that she succumbed to her injuries immediately at the site, then plea of Harinder Singh that he came to know about the name of the tractor driver from Manbari in the hospital becomes inherently false and fabricated. This contradiction goes to the root of the case and demolishes the claim that the identification of the offending tractor or its driver originated from any reliable source. The Tribunal has rightly concluded that such an



explanation, being impossible in the face of admitted facts, lends strong support to the finding that the vehicle was subsequently introduced only with a view to claim compensation. This circumstance, read with the absence of tractor number in the FIR, lack of credible eyewitness testimony, and the mechanical report showing no damage to the tractor, fully justifies dismissal of the claim petitions. In this factual background, the finding returned by the Tribunal that the claimants have failed to discharge the onus of proving the involvement of the tractor in the accident is fully borne out from the evidence. No perversity or illegality has been pointed out in the reasoning adopted by the Tribunal. Consequently, the impugned award dated 05.11.2003 warrants no interference and the present appeals are hereby dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

12.12.2025

rekha

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

(MANDEEP PANNU)
JUDGE