



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

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FAO-2580-2007 (O&amp;M)

Date of Decision: April 29, 2025

Gurbachan Singh

.....Appellant

Vs.

Surjit Singh and others

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

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

Mr. Pardeep Goyal, Advocate and  
Mr. Abhishek Goyal, Advocate  
for respondent No.3.

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**SUDEEPTI SHARMA J. (ORAL)**

1. The present appeal has been preferred against the award dated 30.03.2007 passed in the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Karnal (for short 'The Tribunal') vide which the claim petition filed by the appellant/claimant for grant of compensation, was dismissed.

**FACTS NOT IN DISPUTE**

2. The brief facts of the case as mentioned in the claim petition are that on 17.3.2002 at about 10.15 a.m. respondent no.1-Surjit Singh was driving the car from Karnal towards his village Darar. Tej Kaur (since deceased) was accompanying him. When they reached near Sector 7, Red light crossing, GT Road, Karnal, another vehicle going ahead of the car applied sudden brakes. As a result of which, Surjit Singh-respondent no.1 could not anticipate sudden



stopping of the said on going vehicle and his car hit against the said vehicle. In the meanwhile a tractor which was coming behind struck against rear portion of the car. As a result of the impact, Tej Kaur sustained injuries and succumbed to the same.

3. Upon notice of the claim petition, respondents appeared and filed written reply denying the factum of accident/compensation.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

*1. Whether the petitioner (should have been Tej Kaur) died in a road side accident with vehicle No.DL-3CA-3544 being driven by respondent No.1? OPP.*

*2. If issue no.1 is proved, whether the petitioner is entitled for the compensation, if so to what amount and from whom? OPP.*

*3. Whether the respondent No.1 was not having any valid and effective driving licence on the date of accident? OPR-3.*

*4. Relief.*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim-petition. Hence, the claimant/appellant filed the present appeal for grant of compensation.

#### **SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES**

6. Learned counsel for the appellant contends that claim petition was dismissed only on the ground that no FIR or DDR was lodged qua the accident in question. Therefore, he prays that the present appeal be allowed and compensation be granted to the appellant/claimant.



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7. *Per contra*, Ld. Counsel for the respondent argues on the lines of the award and contends that the claim petition has rightly been dismissed by the Ld. Tribunal. Therefore, he prays for dismissal of the present appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Relevant portion of the award passed by the Ld. Tribunal is reproduced as under:-

*“Issue No.1*

*Right from the very start it is the consistent case of the claimant that Smt. Tej Kaur sustained injuries on account of use of vehicle bearing registration No.DL-3CA-3544 being driven by respondent No. 1 and died as a result of the same. On the other hand, respondents No.1 and 2 have admitted case of the claimant about the manner in which Tej Kaur had sustained injuries. However, respondent No.3 has specifically pleaded that Tej Kaur did not sustained any Injury in the alleged accident. Thus the burden was upon the claimant to establish that Tej Kaur sustained injuries as result of use of the aforesaid car and died on account of the same. It will not be out of place to mention that as per the provisions of Section 163A (2) of the Motor Vehicles Act in any claim for Compensation under sub-section (1), the claimant shall not be required to plead or establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act or neglect or default of the owner of the vehicle or vehicle concerned or of any other person. However, it was for the claimant, as already mentioned, to establish that Smt. Tej Kaur sustained injuries because of use of car bearing registration No. DL 3CA-3544 being driven by respondent No.1 and owned by respondent No.2. To prove this aspect of the case, claimant Gurcharan Singh himself stepped into the witness box tendered his affidavit Ex.PW1/A swearing therein that his wife*



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*Smt. Tej Kaur died on 17.3.2002 in a motor vehicle accident. However, in cross examination he pleaded ignorance about the factum as to whether any FIR/DDR was ever got registered regarding the alleged accident. He also pleaded ignorance as to whether any application was moved for lodging of the FIR/DDR. He even pleaded ignorance about the fact as to whether any post mortem examination upon the dead body of Tej Kaur was got conducted or not. It is a matter of utter surprise that the claimant who is none else but husband of the deceased is not aware about the factum of lodging of the first information report or the daily diary report with regard to sustaining injuries by her in a motor vehicular accident. Above all, he has also pleaded ignorance as to whether her dead body was got post mortemed or not. This clearly shows that the claimant had kept concealing something material to his heart and is not telling the truth. Further more the possibility of collusion between the claimant and respondents No.1 and 2 cannot be ruled out because respondent No.1 is none else but the own son of the claimant and the deceased. Had any such accident taken place in which the wife of the claimant and mother of respondent No.1 might have sustained injuries, they must have reported matter to the police so as to bring the guilty book. The claimant has also examined PW 2 Krishan but since he is not a witness to the accident in question so his testimony is also of no help to the case of the claimant. The matter does not rest here. Claimant has also examined PW2 Lalit Kumar Madan, Assistant, Oriental Insurance Co. who when stepped into the witness box deposed that damage claim relating to car bearing registration No. DL-3CA-3544 was lodged and he also proved the copy of the claim form, However, in his cross examination. he specifically stated that after investigation, the surveyor opined that though the vehicle was involved in the accident but Smt. Tej Kaur did not receive any injury in the said accident she died due to long illness and not that due to accident. He further deposed that the*



*investigator further reported that Tej Kaur was not traveling in the vehicle at that time.*

9. *In view of the aforesaid discussion, the claimant has failed to establish that Smt. Tej Kaur died on account of the injuries received in a motor vehicular accident due to use of car bearing registration No.DL-3CA-3544 being driven by respondent No.1. Hence, this issue is decided against the claimant. ”*

10. A perusal of the impugned award reveals that the learned Tribunal has appropriately appreciated the entire evidence on record and returned a well-reasoned findings that the claimant failed to establish that the deceased, Smt. Tej Kaur, died due to injuries sustained in a motor vehicular accident involving vehicle bearing registration No. DL-3CA-3544, allegedly driven by respondent No.1.

11. The material on record reveals a conspicuous absence of contemporaneous documentary evidence linking the death of Smt. Tej Kaur to the alleged motor vehicle accident. Notably, the claimant did not lodge any First Information Report (FIR) or Daily Diary Report (DDR) with the police, which ordinarily would be expected in cases of road accidents resulting in death or injuries. The absence of such a report casts a serious doubt on the credibility to the case of claimant.

12. Furthermore, the testimony of PW-1-Gurbachan Singh, the claimant himself, weakens his claim rather than substantiating it. In his cross-examination, PW-1 admitted ignorance about the registration of any FIR or DDR regarding the alleged accident. He also expressed unawareness as to whether any post-mortem examination of the deceased was conducted. These omissions are not minor but strike at the root of the claim, as a post-mortem



report is a crucial piece of evidence to establish the cause of death in such cases.

13. Moreover, the claimant failed to produce any eye witness to substantiate the occurrence of the alleged accident. Although PW-1, Krishan, was examined, he unequivocally admitted that he had not witnessed the accident in question, thereby rendering his testimony of minimal evidentiary relevance.

14. Further, PW-2-Lalit Kumar Madan, Assistant from Oriental Insurance Company, deposed during cross-examination that although a claim was submitted in relation to vehicle bearing registration number DL 3CA 3544, the subsequent investigation disclosed that Smt. Tej Kaur did not sustain any injury in the purported accident. He additionally affirmed that the investigator had reported that the deceased was not traveling in the vehicle at the relevant time and that her death resulted from a prolonged medical condition rather than from any accident-related cause. This statement, elicited during cross-examination, substantially weakens the version advanced by the claimant and raises serious doubt regarding the genuineness of the claim.

15. In view of the above analysis, the findings of the learned Tribunal that the claimant failed to establish a causal link between the alleged accident and the death of Smt. Tej Kaur is well-founded and based on sound appreciation of evidence. The absence of crucial corroborative material such as FIR, post-mortem report, or credible eyewitness testimony renders the version put-forth by claimant highly doubtful.

16. In light of the foregoing discussion, the findings recorded by the learned Tribunal are based on a proper appreciation of the evidence on record



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and do not disclose any error of law or perversity. Accordingly, the impugned award does not warrant any interference of this Court. The appeal, being devoid of any merit, stands dismissed.

17. Pending applications, if any, also stand disposed of.

**(SUDEEPTI SHARMA)**  
**JUDGE**

April 29, 2025  
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| Whether speaking/reasoned: | Yes / No |
| Whether reportable:        | Yes / No |