



FAO-2485-2006 (O&amp;M)

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

FAO-2485-2006 (O&amp;M)

Date of Decision: 18.03.2025

Amarjit Kaur and another

.....Appellants

Vs.

Jarnail Singh and others

.....Respondents

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

Present: Ms. Kanwaljit Kaur Dhillon, Advocate, for  
Mr. S.S.Rangi, Advocate,  
for the appellants.

Mr. Yadvinder Singh Turka, Advocate,  
for respondent No.1.

Mr. Ravinder Arora, Advocate,  
for respondent No.3-Insurance Company.

Ms. Manvi Verma, Advocate, for  
Mr. Rajneesh Malhotra, Advocate,  
for respondent No.6-Insurance Company

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**SUDEEPTI SHARMA J.**

1. The present appeal has been preferred by the appellants for setting aside the award dated 21.10.2005 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal'), whereby, claim petition filed by the appellants/claimants for grant of compensation on account of death of Savinder Singh, was dismissed.

**FACTS NOT IN DISPUTE**

2. The brief facts of the case are that on 17.08.1997, the appellant/claimant No.1-Amarjit Kaur was travelling in a bus bearing



registration number PB-11C-9345 alongwith her 15-year-old son, Savinder Singh. They were on their way to their village, Sandarsi, Tehsil Rajpura, District Patiala, via Shambhu. The bus, owned by respondent No.5 and insured by respondent No.6, was being driven carefully on the left side of the road by respondent No. 4-Daljit Singh. When the bus was crossing an over bridge towards Baba More on the G.T. Road, a truck-tipper (earth carrier) bearing registration number PCX 1680 came from the opposite direction, which was being driven by respondent No.1 at a very high speed and in a rash and negligent manner, without following traffic rules. The offending truck-tipper collided with the bus on the driver's side, as a result of which, the bus became out of control and fell into a ditch on the left side of the road. As a result thereof, the appellant/claimant No.1 as well as other passengers sustained multiple injuries. Savinder Singh, minor son of the appellants/claimants, also suffered severe serious injuries and after some time, he passed away. The appellant/claimant No.1-Amarjit Kaur sustained a head injury and was admitted in the A.P. Jain Hospital for a week. Her medical examination was conducted in the Civil Hospital, Rajpura. Lateron, she also got herself treated from some doctor and spent Rs.50,000/- on her treatment. In this regard, FIR No.123, dated 17.08.1997 was registered at Police Station City Rajpura, against respondent No.1.

3. Upon notice of the claim petition, respondents No.1, 3 to 6 appeared and filed their separate replies denying the factum of accident/compensation, whereas, respondent No.2 did not appear to contest the claim petition and was proceeded against *ex parte*.



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

*“1) Whether the death of Savinder Singh has taken place and Amarjit Kaur has received injuries in a motor accident involving truck/tipper No.PCX-1680 and bus No.PB11C-9345 due to rash and negligent driving of the truck and the bus? OPA*

*2) If Issue No.1 is proved, whether the claimants are entitled to the amount of compensation for the death of Savinder Singh and the injuries caused to Amarjit Kaur? If so to what extent and from which of the respondent? OPA*

*3) Whether the insured of vehicle No.PCX-1680 and bus No.PB11C-9345 have breached the terms and conditions of the insurance policy? OPR.*

*4) Relief.”*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition. Hence, the present appeal.

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

6. Learned counsel for the appellants/claimants contends that the claim petition filed by the appellants/claimants was wrongly dismissed on the ground that the appellants/claimants failed to prove the death of their son Savinder Singh had taken place due to the injuries sustained by him in the accident in question. Therefore, she prays that the present appeal be allowed.



7. Per contra, learned counsel for the respondents, however, vehemently argue on the lines of the award dated 21.10.2005 passed by the learned Tribunal and submit that the claim petition has rightly been dismissed by the learned Tribunal. Therefore, they pray for dismissal of the present appeal.

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

9. The relevant portion of the award passed by the learned Tribunal reads as under:-

*“17. The claim with regard to the injury on the person of Savinder Singh and subsequently his death, can be outrightly rejected. He has received wound on his eye brow. He was young boy of 8 years at the time of accident, which took place on 17.8.1997. As per the death certificate, Savinder Singh has died on 16.2.2002 i.e. after about 4 years and 6 months of the accident. There is absolutely no evidence on file to show that the death has taken place due to the injuries received by Savinder Singh. No post mortem examination of Savinder Singh was conducted to prove his cause of death. It cannot be believed that due to his wound on his left eye brow Savinder Singh died after 4-1/2 years of the accident.”*

10. A perusal of the impugned award reveals that the learned Tribunal has correctly concluded that the claimants/appellants failed to establish a link between the injuries sustained by their deceased child, Savinder Singh, in the accident occurred on 17.08.1997 and his subsequent



death on 16.02.2002, which occurred after a lapse of four years and six months.

11. The medical evidence on record, particularly the MLR (Ex.A7), only mentions a lacerated wound measuring 7 cm X 1 cm on the left eyebrow of the deceased. There is no indication of any other serious or life-threatening injury. Furthermore, no medical expert testimony was produced to substantiate their claim that this injury had any long-term medical consequences leading to their child's demise.

12. Moreover, the absence of any post-mortem examination further weakens the claim, as there is no medical determination of the actual cause of death. In such circumstances, it is speculative and legally untenable to attribute Savinder Singh's death directly to the injuries sustained in the accident.

13. Given that the injuries recorded in the MLR (Ex.A7) appear to be simple in nature and that there is no direct medical evidence linking the accident to the eventual death of the child. The findings of the learned Tribunal are well-reasoned and do not warrant any interference of this Court.

14. As a result, I find no legal infirmity in the award rendered by the learned Tribunal. The award dated 2.10.2005 is well-reasoned and supported by the evidence on record and it is accordingly upheld. Consequently, the present appeal is dismissed, being devoid of any merit.

15. Respective Insurance Companies i.e. respondents No.3 and 6 are hereby directed to disburse the current scheduled fees to Mr. Ravinder Arora, Advocate, and Mr. Rajneesh Malhotra, Advocate, within a period of



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20 days from the date of receipt of the copy of this judgment, in view of the order dated 18.07.2024 passed in FAO No.1682 of 2007, by this Court.

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

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

**18.03.2025**

Virrendra

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No