

**Sr. No.101****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO-3793-2005 (O&M)****Date of decision: 11th September 2025****NIRMALA & ORS****.....Appellants****versus****RAMESH & ORS****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Pankaj Rana, Advocate for
Mr. R.S. Malik, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.3-The New India Assurance Co. Ltd.
(through video conferencing).

HARPREET KAUR JEEWAN, J.

1. The appellants claimants have filed the present appeal assailing the order dated 02.03.2005, passed by the learned Motor Accidents Claims Tribunal, Sonapat, dismissing the claim petition filed by the appellants.

2. As per the brief facts, the claimants-appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming themselves to be the dependants of Raj Kumar (since deceased). It is alleged that on 17.07.2001, Raj Kumar-deceased, who was driving a truck bearing Registration No. HR-46-4012, was coming from the side of Bahalgarh, Tehsil and District Sonapat. Respondent No.1-Ramesh, who was driving another truck bearing Registration No.HR-10-2616, struck against the truck of Raj Kumar-deceased rashly and negligently. Raj Kumar-deceased sustained injuries and was admitted at General Hospital, Sonapat. He got the



treatment for more than a year, but he could not survive and ultimately, he died on 11.08.2002.

3. The driver of the alleged offending truck, its owner and the Insurance Company contested the petition. The Tribunal disbelieved the evidence led by the claimants and dismissed the said petition.

4. Learned counsel for the appellants submits that the Tribunal has not properly appreciated the evidence on record. The testimony of PW-2/Jai Bhagwan has also not been considered.

4.1. On the other hand, learned counsel for respondent No.3 contends that the Tribunal has dismissed the claim of the appellants by disbelieving the statement of the alleged eye-witness Jai Bhagwan, who appeared as PW-2. It is further contended that by considering the medical evidence on record, reference was also made to the admission of Dr. Dinesh Gupta (PW-3), who was treating Raj Kumar (since deceased), wherein, he has admitted that there was no accidental injury on the person of the deceased-Raj Kumar.

5. It is further contended on behalf of respondent No.3 that the Tribunal has observed that as per the Medico-Legal Report (Ex.P-1), there is no mention that the deceased died due to the said injuries. It was further observed that deceased-Raj Kumar died after a lapse of more than one year of the alleged accident. Even the postmortem examination was not done, as such, the Tribunal had drawn the inference that deceased-Raj Kumar died a natural death.



6. I have considered the aforesaid submissions and perused the record.

7. Ramesh-respondent No.1 contested the claim petition and while appearing as RW-1, he alleged that on 17.07.2001, he was going from Sonapat to Bahalgarh on his truck bearing Registration No.HR-10-2616. He was driving the truck at a moderate speed, and when he reached near the Toy Factory, another truck bearing Registration No.HR-46-4012, which was being driven by Raj Kumar (since deceased) in a rash and negligent manner, came from the opposite direction and Raj Kumar (since deceased) hit his truck with the truck of respondent No.1-Ramesh due to which, he sustained injuries. Bijender Singh, who was the Conductor of the truck being driven by Ramesh-respondent No.1, got registered an FIR against Raj Kumar (since deceased) and he was challaned by the Police. As per the deposition of Bijender Singh, the accident was caused due to the rash and negligent driving of Raj Kumar (since deceased). Copy of the FIR (Ex.R-2), registered on 17.07.2001 in Police Station, Rai, reflects that the FIR was registered at the instance of Bijender Singh-Conductor.

8. On the other hand, the testimonies of the wife of the deceased-Nirmala (PW-1) and Dr. Dinesh Gupta, Physician (PW-3) are totally contradictory. As per the version of the wife of the deceased, her husband met with an accident on 17.07.2001 and he died on 11.08.2002 due to the injuries sustained in the said accident, whereas, the medical evidence led by Dr. Dinesh Gupta (PW-3) indicates that Raj Kumar (since deceased) was admitted in Zaniki Das Memorial Hospital, Sonapat on 15.07.2002 and that



too, with the history of fever of convulsions. He was admitted with provisional diagnosis of Meningitis with query/brainful brain absence. It has further come in evidence that the patient remained admitted in the hospital from 15.07.2002 to 09.08.2002. Thereafter, he was referred to PGIMS, Rohtak and at that time, his condition was critical.

9. The following dates are crucial:-

- a) Date of accident: 17.07.2001.
- b) Date of admission in Zaniki Das Memorial Hospital, Sonapat:
15.07.2022
- c) Date of death of Raj Kumar: 11.08.2002.

10. As per the version of the claimant-Nirmala (PW-1), after the accident on 17.07.2001, till the death of her husband-Raj Kumar on 11.08.2002, he was under regular treatment. No medical evidence is produced to support the said contentions that Raj Kumar (deceased)-husband of appellant No.1-claimant (PW-1) ever got admitted in any hospital on the date of accident i.e. 17.07.2001. The claimants have failed to lead evidence to show that there were any injuries sustained by the deceased in the said accident. The only medical evidence led by the appellants by way of examining Dr. Dinesh Gupta (PW-3) indicates that for the first time after a period of one year from the accident, the husband of the appellant-claimant was admitted in the hospital and that too, with the history of fever and convulsions. The patient was having neck stiffness and the provisional diagnosis was Meningitis with query/brainful brain absence. The patient was also having chest infection. The only medical evidence led by the appellants-claimants indicates the period of hospital admission from 15.07.2002 to



09.08.2002, as observed by the Tribunal. Even in the Medico-Legal Report (Ex.P-1), there is no mention that Raj Kumar-deceased died due to any injury. No evidence is on record to prove that the death of Raj Kumar is on account of injuries sustained by him in the road-side accident.

11. On the other hand, it is the case of the respondents that Raj Kumar-deceased was facing trial on the basis of an FIR having been registered at the instance of respondent No.1 on account of driving the truck in a rash and negligent manner. The death of the deceased took place more than one year after the said accident. The appellants-claimants have failed to prove that the deceased died due to any injury sustained by him in the road-side accident.

12. Consequently, the findings arrived at by the Tribunal do not require any interference, as such, the present appeal, being devoid of merits, stands dismissed.

13. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

11th September 2025

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