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

**FAO-5430-2011 (O&M)**

**Date of Decision : 25.09.2025**

Jamsheda & Ors

... Appellant(s)

Versus

Rajesh Kumar & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Balkar Singh, Advocate for the appellants.

None for respondent Nos.1 and 2.

Mr. B.D. Sharma, Advocate for respondent No.3.

Mr. Punit Jain, Advocate for respondent No.4.

**ALKA SARIN, J. (Oral)**

1. The present appeal has been preferred by the claimant-appellants challenging the impugned award dated 05.04.2011 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri whereby the claim petition was dismissed.

2. Brief facts relevant to the present *lis* are that on 09.06.2007 at about 05.00 pm, Naseem (hereinafter referred to as 'deceased') alongwith his father-in-law Shafi Mohammad and brother-in-law Dilshad were going to village Dhorang on their respective bicycles. At about 08.30 pm, when they were returning to their village and reached ahead of a liquor shop, Dhorang in the area of Jubban, a motorcycle bearing registration No.HR-44A-3498 came from Radaur side being driven by respondent No.1 in a rash and negligent manner and struck in the front side of the bicycle of the deceased. One more

boy was also riding the offending motorcycle along with respondent No.1. At the time of accident the deceased was ahead of the other cyclist Shafi Mohammad and Dilshad. Due to the accident, the deceased received serious injuries and died on the spot. On the statement of Shafi Mohammad, an FIR was registered on 09.06.2007.

3. On notice, respondent Nos.1 and 2 appeared and filed their joint written statement denying the accident having occurred with their motorcycle bearing registration No.HR-44A-3498. It was further stated that no accident took place with the said motorcycle. Rather, the accident might have occurred with some other vehicle or motorcycle bearing registration No.HR-40-6815. It was further stated that their motorcycle had been falsely involved and a false case had been registered against respondent No. 1.

4. Respondent No.4, the insurer of the motor cycle No.HR-44-A-3498, filed its separate written statement stating that the alleged accident, if any, took place with motorcycle bearing registration No.HR-40-6815 and not with motor-cycle bearing registration No.HR-44-A-3498, which had falsely been implicated in the present case. It was further stated that as per the FIR, the accident took place with motorcycle bearing No.HR-40-6815 on which Anil and Jitender were travelling and they both had also sustained injuries in the accident. It was further stated that the present petition had been filed by the claimant-appellants in collusion with respondent Nos.1 and 2 falsely introducing one Rajesh Kumar as its driver. The Insurance Company also denied its liability to pay compensation on the ground that the driver of the offending motorcycle was not having a valid and effective licence at the time of alleged accident.

5. On the basis of the pleadings of the parties, the following issues

were framed :

1. Whether the accident in question resulting into the death of Naseem was the direct result of rash and negligent driving on the part of respondent No.1 - Rajesh Kumar who was driving the motor cycle bearing registration no. HR-44-A-3498, respectively ? OPP
  2. If issue No.1 is proved, to what compensation amount is the petitioner entitled and from whom ? OPP
  3. Whether the vehicle was being filed in contravention of the terms and conditions of the issuance policy and the companies are absolved of their liability ? OPR
  4. Relief.
6. It is to be noted that the offending vehicle registration number as mentioned in the FIR was HR-40-6815. However, the claim petition has been filed mentioning the offending vehicle registration number as HR-44A-3498.
7. Learned counsel for the appellants would contend that the vehicle was a *Yamaha* motorcycle and though the number plate of the offending vehicle as stated in the FIR was HR-40-6815, however, actually the registration number of the vehicle was HR-44A-3498. It is the contention of the learned counsel that the Investigating Officer had found out that a wrong number plate had been put on the motorcycle and on the basis of a supplementary statement, the vehicle number was changed to HR-44A-3498.
8. *Per contra*, learned counsel for respondent No.4-Insurance Company has pointed out that not only in the FIR the offending vehicle was mentioned having registration No.HR-40-6815, even in the recovery memo,

the vehicle recovered from the spot was stated to be HR-40-6815. Learned counsel has further pointed out to the judgment in the criminal case, which has been placed on the record by the learned counsel for the appellants vide CM-5733-CII-2025, wherein also the vehicle number being referred to is HR-40-6815. Learned counsel has further pointed out that all the prosecution witnesses turned hostile and the rider of the motorcycle – Rajesh Kumar – was acquitted of all charges.

9. I have heard the learned counsel for the parties.

10. In the present case the registration number as stated in the FIR of the offending vehicle was HR-40-6815 and the name of the riders were given as Anil and Jatinder. On 30.06.2007 the registration certificate of the motorcycle bearing No.HR-44A-3498 and the driving licence of the accused – Rajesh Kumar – were taken into possession vide recovery memo (Ex.PW6/E) in the criminal case and on a supplementary statement of Shafi Mohammad regarding the involvement of the accused – Rajesh Kumar (respondent No.1 herein), challan was presented against him. In the criminal trial, judgment dated 03.01.2013, which has been placed on the record by the appellants vide CM-5733-CII-2025, the accused was acquitted as the prosecution witnesses turned hostile. It was noticed that Shafi Mohammad had stated that the accident had occurred due to the rash and negligent driving of the motorcycle bearing registration No.HR-40-6815 by two persons, namely, Anil and Jatinder and had nowhere named Rajesh Kumar. The name of Rajesh Kumar (respondent No.1 herein) was introduced after a period of five months i.e. on 07.11.2007 by way of a supplementary statement. The said statement of Shafi Mohammad was not believed and was discarded as being unreliable. Even before the Tribunal, the claimant-appellants had not been

able to explain the discrepancy in the registration number of the motorcycle. Infact it has been noticed by the Tribunal that motorcycle bearing registration No.HR-40-6815 was taken into possession at the spot by the Police in the presence of Dilshad and Shafi Mohammad and the recovery memo also had their signatures. There was also Police endorsement that both the riders sustained injuries and were taken to Civil Hospital, Yamuna Nagar and *Ruqa* (Ex.R1) bearing the names of Anil and Jatinder was also sent by the doctor having brought to the hospital being a case of roadside accident. They were referred to the General Hospital, Yamuna Nagar and the time mentioned was 09.00 pm. Even the eyewitness, who gave his statement (Ex.R4), mentioned the registration number of the motorcycle as HR-40-6815 (make Yamaha) which was lying at the spot. Even the site plan (Ex.R6) which was placed on the file showed the registration number of the motorcycle as HR-40-6815. There is no cogent explanation forthcoming as to how the motorcycle registration number was changed to HR-44A-3498.

11. The argument of the learned counsel of the appellants that the motorcycle had a wrong number plate cannot be accepted in the absence of any cogent evidence having being brought on the record. It is also not forthcoming as to how it was discovered that the motorcycle actually involved was HR-44A-3498. Learned counsel for the appellants stated that the motorcycle bearing registration No.HR-44A-3498 showed the chassis number and engine number and that was the motorcycle which had caused the accident. However, he has not been able to point out to any evidence on the record where the chassis number and engine number were recorded by the Police when the vehicle was recovered at the spot in order to tally the true facts and to come to a conclusion that the accident was caused by motorcycle

bearing registration No.HR-44A-3498.

12. In view of the above, I do not find any merit in the present appeal.

The same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

25.09.2025

Yogesh Sharma

**( ALKA SARIN )**

**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO