

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****233****FAO-2239-2008(O&M)****Date of decision: 28.08.2025****Jai Kumar minor son of Shri Om Parkash****...Appellant(s)****Vs.****Mange Ram & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Bhumika Khatri, Advocate for
Mr. Ram Darshan, Advocate
for the appellant.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant against the dismissal of his Claim Petition by the learned Motor Accident Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') vide Award dated 11.03.2008 passed in MACT Case No.151 dated 04.09.2006 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant/injured-claimant had been unable to prove that the accident dated 27.12.2003 had occurred due to the rash and negligent driving of Mohindra Jeep bearing registration No.HR-26G-4889 (hereinafter



referred to as “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3.

3. Ld. counsel for the appellant submits that the Tribunal was in error in dismissing the Claim Petition of the appellant as it failed to consider that PW4 had clearly deposed that he had seen the accident in question. Further, Id. Tribunal lost sight of the fact that FIR (Ex.P6) was lodged against the respondent No.1. Even challan (Ex.P7) was presented by the Investigating Agency after investigation. Moreover, in the accident in question, the appellant had suffered injuries on face, right knee and stitched wound on face. Even X-ray was got conducted on 27.12.2003. This is evident from testimony of PW1 Dr. Chander Shekhar, who had medico-legally examined the appellant. Learned counsel accordingly prays that the impugned Award be set aside and the Claim Petition be accepted/allowed with costs.

4. No other argument is made on behalf of the appellant.

5. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellants.

6. The case pleaded by the appellant before the learned Tribunal is recorded in Para 2 of the impugned Award as follows: -

“2. On 27.12.2003 at about 3.00 PM Krishan Kumar son of Raj Singh of Mata Mohalla, Kosli went to the house of Om Parkash son of Amar Singh for some personal work. When he came out of the house of Om Parkash, Jai Kumar son of Om Parkash got down from the bus of R.E.D. School. While Jai Kumar was crossing the road, a jeep bearing registration No. HR-267-



G/4889 came from the side of village Gudiyani. It was driven in a rash and negligent manner and at a very high speed. It had hit Jai Kumar. Jai Kumar fell down and suffered grievous injuries on his legs, forehead, mouth and hand. The driver of the jeep escaped from the spot towards Malesiawas road. Krishan Kumar and Sanjay picked up Jai Kumar and took him to General Hospital, Rewari. The police of Police Station Kosli recorded the statement of Krishan Kumar at General Hospital, Rewari on the basis of which FIR No. 176 was recorded on 27.12.2003 for an offence punishable under sections 279,337 IPC against the driver of jeep No. HR-26-G/4889. Jai Kumar was aged 11 years and was a student of 6h standard. He was medico-legally examined by Dr. Chander Shekhar and was taken to Shree Krishna Hospital, Garhi Bolni Road, where Dr. Anil Yadav treated him. The petitioner was shifted to Safdarjang Hospital, New Delhi on 30.12.2003. A supplementary MIR was prepared on 13.01.2004 at General Hospital Rewari by Dr. Chander Shekhar in which fracture of his jaw was noticed. A sum of Rs. 2,00,000/was spent in his treatment. The petitioner has claimed that he has suffered permanent disability on account of the injuries he suffered in the accident and his future has become dark. A sum of Rs.2,00,000 / - is, therefore, sought as compensation.”

7. However, a perusal of the record of the case shows that FIR (Ex.P6) was registered against vehicle bearing registration No.HR-**26A**-4889; whereas challan (Ex.P7) was filed against vehicle having registration No. HR-**26G**-4889. There is nothing to indicate how number of the Jeep given as HR-26A-4889 in FIR (Ex.P6) turned into HR-26G-4889 in challan (Ex.P7). Even eyewitness/complainant Krishan Kumar PW4 has made statement



that accident was caused by driver of Jeep bearing registration No.HR-26A-4889; whereas as per the claimant, the accident was caused by Jeep bearing registration No.HR-26G-4889. Even charges were framed by the learned trial Court with reference to Jeep No.HR-26A-4889. However, a perusal of the cover note of the Insurance Policy (Ex.P9) shows that respondent No.3 had issued the said cover note for the vehicle No.HR-26G-4889 in the name of respondent No.2; which is in direct contradiction of the offending vehicle as recorded in FIR. It was in this background that the learned Tribunal held that in the circumstances, there was no evidence to prove that the accident had been the outcome of the rash and negligent driving of Mahindra Jeep No.HR-26G-4889 by respondent No.1. Although the learned Tribunal had computed amount of compensation to be Rs.25,000/- yet the same was not released to the appellant as he had been unable to prove that the accident was caused by the alleged offending vehicle. Ld. Counsel for the appellant has been unable to explain this glaring discrepancy.

8. In view of the above, present appeal is **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

28.08.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No