

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****117****FAO-2392-2021 (O&M)
Date of decision: 20.08.2025****Sachin****...Appellant(s)****Vs.****Ramesh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Ashish Gupta, Advocate for the appellant.***********NIDHI GUPTA, J.**

The present appeal has been filed by the injured-claimant against the dismissal of his claim petition by the learned MACT, Sonipat (hereinafter 'the Tribunal'), vide Award dated 12.04.2021 passed in MACP Case No. 191 dated 28.04.2016 filed under Section 166 of the Motor Vehicles Act, 1988.

2. Brief facts of the case are that the learned Tribunal upon appraisal of the pleadings as well as oral and documentary evidence led before it, concluded that the appellant had been unable to prove that the accident dated 21.04.2015 in which appellant had allegedly sustained injuries, was caused due to the rash and negligent driving of a Canter bearing registration No. HR 46-9093 (hereinafter referred to as "alleged offending vehicle"), which was being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3.



3. Learned counsel for the appellant submits that the appellant had filed the instant claim petition before the MACT, Sonipat seeking compensation to the tune of Rs.60 lacs. However, learned Tribunal has dismissed the same on conjectures and surmises and at its own presumption and assumption. It is submitted that merely because details in respect of alleged offending vehicle were not supplied by the appellant to the Police, would constitute no ground to discard the claim of the appellant. It is submitted that learned Tribunal failed to appreciate that a chargesheet has been filed against respondent No.1 before the Criminal Court after completion of investigation. It is contended that this *prima facie* indicates that Investigation Officer was convinced that the case was made out for rash and negligent driving against respondent No.1. However, learned Tribunal has ignored this aspect of the matter and wrongly dismissed the claim petition. It is accordingly prayed that the present appeal be allowed; and impugned Award dated 12.04.2021 be set aside.

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

5. I have heard Id. counsel and perused the case file in detail.

6. I find no merit in the submissions made on behalf of the appellant. It is recorded in para 1 of the impugned Award that the claim petition was filed with the following averments: -

“Factual matrix of the petition is that on 21.04.2015, the claimant alongwith his friend Sandeep son of Karambir was going to village Chhatera on motorcycle bearing registration no.HR-12G-7972 on Gohana Chhatehra road and when reached in between Mehmudpur and Siwanka, all of sudden respondent



no.1 came from fields to road by driving his canter in a rash and negligent manner and struck against the motorcycle of the petitioner due to which petitioner fell down and sustained injuries and became unconscious. He was shifted to BPS Mahila Medical College Khanpur where his MLR was got prepared by the concerned doctor. Police came in hospital for recording statement of injured but he was declared unfit to make statement and after that he gained consciousness and recorded his statement and told the name of make of the vehicle in question as TATA 407 bearing no. HR46-9093 (hereinafter to be referred as 'offending vehicle') and on the statement of Sandeep FIR no.130 dated 21.04.2015 under section 279 and 337 IPC was registered at police station Sadar Gohana. The injured was referred to PGIMS Rohtak but due to serious condition he was shifted to Oscar Super Speciality Hospital and Trauma Centre Rohtak where he remained up to 45 days and thereafter remained outdoor patient and is still under treatment. Petitioner was 21 years old at the time of accident and was earning Rs 20,000/- per month by doing job at Gupta Electronic Store. But due to the accident he is unable to do his work. The claimant spent an amount of Rs. 10 lacs on his treatment, medicine, special diet etc. The accident took place due to rash and negligent driving of respondent no.1 The petitioner has sought compensation of ₹60 lacs on account of future prospectus, mental pain and agony injuries sustained by him, in this accident. It has been submitted that the petitioner became permanent disabled and cannot do his personal -routine work."

7. Admittedly, FIR No. 130 dated 21.04.2015 was registered by eyewitness Sandeep against unknown driver and unknown vehicle. Sandeep eyewitness PW3 has stated in his cross-examination that the appellant and



Sandeep had seen the Canter at short distance; and after causing the accident, driver of the Canter had fled away from the spot; and that his uncle had informed the Police about the said accident; and that he had not noted the registration number of the Canter after the said accident; and that he did not even remember its colour. PW4 Suresh had deposed that he came to know the details of the offending vehicle from the persons who had gathered at the spot after the accident. However, PW4 has admitted that he was not present at the time and place of accident and that a person at Mehmoodpur Bus stand had told him the details of the offending vehicle as well as its driver 7-8 days after the accident. However, he does not have particulars of the person who supplied this information. Accordingly, Id. Tribunal has concluded as follows: -

“10. The question remains as to if petitioner and his family members were aware about the details of offending vehicle from the very beginning, why did they kept silent from 21.4.2015 till 30.04.2015? There is no explanation. Inordinate delay without any explanation weighs very heavily with this Tribunal in the given facts and circumstances of the case. Needless to say that nature of deposition of petitioner (PW-1) is such that the same do not inspire confidence. It appears that the petitioner had sustained injuries in some other manner, but inordinate delay in lodging FIR is suspicion circumstance.”

8. Moreover, appellant also failed to examine the Investigating Officer. As such, it is nowhere clear on record that as to how it was discovered by the appellant-side that the accident was caused by respondent No.1 due to the rash and negligent driving of the alleged



offending vehicle. Accordingly, learned Tribunal had correctly concluded that the appellant had failed to prove his case even on the preponderance of probabilities that the accident in question had been caused by respondent No.1 while driving the alleged offending vehicle. There is no proof of identity of alleged offending vehicle. What further casts shadow of doubt on the case of the appellant is that PW5 has claimed himself to be owner of alleged offending vehicle and has appeared in support of the claim of the appellant. This smells of collusion between the appellant and respondents No. 1 and 2.

9. Learned counsel for the appellant is unable to controvert or dispute the above said facts and findings.

10. In view of the above, no ground to interfere in impugned Award dated 12.04.2021 is made out. The present appeal is hereby **dismissed.**

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

20.08.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No