



FAO-4669-2008 (O&M)

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

FAO-4669-2008 (O&M)
Date of decision : 27.08.2025

Krishna Devi and others

...Appellants

Versus

National Insurance Company Limited

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Pankaj Middha, Advocate for the appellants.

HARPREET KAUR JEEWAN, J. (Oral)

1. Aggrieved against the dismissal of the claim petition filed under Section 163-A of the Motor Vehicles Act, 1988 (*for short, 'the Act'*), on account of death of Sh. Balbir Singh, the appellants have filed the present appeal, assailing the legality of the order dated 04.06.2008, passed by the Motor Accident Claims Tribunal, Panipat (*hereinafter referred to as the 'Tribunal'*).

2. As per the version of the appellant-claimants, on 29.03.2005, at about 6.30 a.m., Balbir Singh (since deceased) was travelling on his motorcycle bearing registration No.HR-06L-1498, whereby he fell down on the road due to a speed-breaker. Resultantly, the handle of the motorcycle struck his abdomen, and he sustained serious injuries. He was brought home and thereafter, he was taken to the hospital for treatment, but he succumbed to the injuries. The said motorcycle was insured with the respondent-Insurance Company, as such, the appellants being legal representatives of the deceased, filed a claim petition under Section 163-A of the Act, seeking compensation from the Insurance Company. The tribunal dismissed the petition.



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3. Hence, the present appeal has been filed.

4. Learned counsel for the appellants submitted that it is not disputed that the vehicle in question was insured with the respondent-Insurance Company. The death of the deceased took place due to use of the said motorcycle, as such, the appellants-claimants are entitled to compensation under Section 163-A of the Act. It is further submitted that delay in reporting the matter to the police cannot be made a ground to oust the appellants.

5. On the other hand, learned counsel for the respondent-Insurance Company supported the dismissal of the claim petition and submitted that the same was dismissed by the Tribunal by recording a well-reasoned order.

6. I have considered the aforesaid submissions and perused the paper-book.

7. While considering the question as to whether any injury has been sustained by the deceased in the alleged accident on 29.03.2005, the Tribunal has considered the testimony of Dr. Arvind, PW-3, who proved emergency treatment slip dated 29.03.2005 (Ex.P1) and deposed that the patient had come for treatment with complaint 'pain in abdomen' and he was having acute respiratory distress. He suggested for ultrasound of the patient and thereafter, was referred to the PGIMS, Rohtak. The Tribunal has further observed that in the said document as well as the ultrasound report, there is no reference that the patient apprised the doctor about the roadside accident. The doctor-in-charge has categorically deposed that the patient did not tell him regarding the accident and even his ultrasound report was normal. The



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Tribunal has observed that there is a delay of 04 months in reporting the matter to the police, and there is no evidence on record to show that any injuries were sustained by the deceased in the alleged accident. It is also evident on record that the dead-body was cremated without conducting postmortem examination.

8. No doubt, delay in reporting the matter to the police alone cannot be taken as a ground to disbelieve the version of the claimants in a claim petition filed under the Act, however, in view of the facts and circumstances of this case, there is no evidence to link the death of the deceased with the use of the motorcycle. Neither any history of roadside accident was given at the time of admission of the deceased in the hospital, nor the legal representatives of the deceased got the post-mortem examination done on the dead-body, nor any intimation was given by the hospital to the police authorities about the death of the deceased in the roadside accident. As such, the Tribunal has rightly declined relief sought by the appellants while observing that there is no link between the death of the deceased and use of the motorcycle.

9. In view of the aforesaid reasons, no ground is made out to interfere with the findings arrived at by the Tribunal. Present appeal is devoid of any merits and is accordingly dismissed.

10. Pending application(s), if any, shall also stand disposed of.

27.08.2025
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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No