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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-99-2009 (O&amp;M)

Date of Decision : 28.10.2025

Vijay Ram

... Appellant

Versus

Aush Pal and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kamaldeep Kaur, Advocate for the appellant.

Mr. Pranab Bansal, Advocate for

Mr. P.R. Yadav, Advocate for respondent Nos.1 and 2.

Mr. R.C. Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant challenging the award dated 22.11.2007 passed by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as the 'Tribunal') whereby the claim petition filed by the claimant has been dismissed.

2. The brief facts relevant to the present lis are that on 17.02.2004 the claimant-appellant was going on his scooter from Padam Nagar towards village Nacholi, District Faridabad, on the correct side of the road with due care and caution at a very moderate speed. When the claimant-appellant reached near the turn of village Bhupani, District Faridabad, a Bus came from the backside, which was being driven in a rash and negligent manner without blowing any horn, at a very high speed. It struck against his scooter as a result of which he fell on the road and received multiple grievous injuries all over

his body including fracture on his right leg. The claimant-appellant fell unconscious and was taken to B.K. Hospital, NIT Faridabad. FIR No.104 dated 17.02.2004 for offences under Sections 279, 337 and 338 of the Indian Penal Code, 1860 was registered at Police Station Old Faridabad. On notice, respondent Nos.1 and 2 appeared and filed their written statement raising various preliminary objections. It was stated that the claim petition was not maintainable and that the claimant has no *locus standi* or cause of action to file the claim petition. It was further stated that the Bus bearing registration No.DL-IPA-4385 (hereinafter referred to as the 'offending vehicle') was never involved in the accident and that a false FIR has been registered in collusion with the police to get compensation. Respondent No.3-Insurance Company has also filed a written statement raising various preliminary objections qua the maintainability of the claim petition. It was stated in the written statement that the claimant neither has *locus standi* nor cause of action to file the claim petition and that the claim petition was filed just to extract compensation. It was further stated that though in the FIR it was mentioned that the accident was caused by one yellow-colour Bus bearing registration No.HYU-4495, however, the offending vehicle bearing registration No.DL-IPA-4385 has been implicated in the present case in collusion with respondent Nos.1 and 2 only with an intention to get compensation.

3. On the basis of pleadings of the parties, the following issues were framed :

1. Whether the accident in question took place on 17.02.2004 near Farm House of Rajender Bisla in area of village Bhupani due to rash and negligent driving of Bus No. DL-IPA-4385 by respondent No.1 Ayush Pal ? OPP

2. Whether the petitioner suffered injuries in the accident. If so what amount of compensation he is entitled to recover and from whom ? OPP

3. Whether the offending vehicle was driven in breach of terms and conditions of the insurance. If so its effect ? OPR3

4. Whether the petitioner has no cause of action or locus standi ? OPR

5. Relief.

4. The Tribunal, on the basis of the pleadings and the evidence on the record, found no merit in the claim petition and dismissed the same. Aggrieved by the same, present appeal has been filed by the claimant.

5. Learned counsel for the claimant would contend that the accident had actually taken place with Bus bearing registration No.DL-IPA-4385, which came from the opposite direction, however, it was stated by the claimant-appellant himself that the accident had taken place with a Bus bearing registration No.HYU-4495, which was yellow in colour, on the basis of which FIR was registered. It is further the contention that correct registration number of the Bus was brought to the notice of the claimant by his brother, Ghanshyam, who is an eye-witness of the accident and he informed the claimant that the accident took place with a Bus bearing registration No.DL-IPA-4385, which was white in colour.

6. *Per contra* learned counsel appearing on behalf of the respondents would contend that in the FIR registration number of the Bus was mentioned HYU-4495, which was yellow in colour and there was no statement, which was brought on the record, changing the said registration number of the Bus in the FIR.

7. I have heard learned counsel for the parties and have perused the paper-book.

8. In the present case the FIR was lodged by the claimant himself, who was conscious after the accident, and had stated that the accident had taken place with the yellow-colour Bus bearing registration No.HYU-4495. Subsequently, present claim petition was filed, wherein it was stated that the accident had taken place with a white-colour Bus bearing registration No.DL-IPA-4385. There is no explanation forthcoming as to how a wrong registration number and wrong colour of the Bus was mentioned in the FIR. There is no statement which was made before the police changing the registration number of the Bus, which was brought on the record. As held by the Tribunal, involvement of the Bus bearing registration No.DL-IPA-4385 has not been proved in accordance with law.

9. In view of the above, no fault can be found with the award passed by the Tribunal. The present appeal being devoid of any merit is dismissed. Pending applications, if any, also stand disposed off.

28.10.2025  
jk

**( ALKA SARIN )**  
**JUDGE**

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