



FAO-3923-2023

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

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FAO-3923-2023

Date of decision :27.10.2025

SEEMA AND OTHERS

... APPELLANTS

VERSUS

JAIPAL AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Chanderhas Yadav, Advocate and
Mr. Amandeep Singh, Advocate
for the appellants-claimants.

Mr. Sarthak Mehta, Advocate for
Mr. P.H.S. Pannu, Advocate
for respondent No. 2-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. Being aggrieved by the award dated 22.05.2022 passed by the Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as 'Tribunal'), whereby their claim petition was dismissed, the appellants-claimants have approached this Court by way of the present First Appeal.

2. The appellants had preferred a claim petition under Section 166 of the Motor Vehicles Act, 1988, asserting that the deceased, Jai Bhagwan, who was a Raj Mishtri by profession, had gone to the house of Mange Ram on a motorcycle bearing registration No. HR-14K-3184 on 25.09.2020. It was alleged that at around 8:15 a.m., near Village Aurangpur, Jhajjar, a tractor bearing registration No. HR-14C-0419 (hereinafter referred to as "offending vehicle"), being driven by Respondent No. 1 in a rash and negligent manner at high speed, directly hit the motorcycle of the deceased, resulting in grievous injuries and, ultimately, his



death. It was further asserted that Rajesh Kumar, upon receiving information about the accident, reached the spot and found Jai Bhagwan lying unconscious. He shifted Jai Bhagwan to General Hospital, Jhajjar, from where he was referred to PGIMS, Rohtak. Unfortunately, Jai Bhagwan succumbed to his injuries two days later, on 26.09.2020, during treatment. An FIR No. 302, dated 26.09.2020, under Sections 279 and 337 IPC, was registered at Police Station Sadar, Jhajjar, on the statement of Rajesh Kumar against an unknown vehicle for causing the accident and the death of the deceased.

3. Respondent No. 1 denied the accident in its entirety and claimed false implication. Respondent No. 2 also denied the accident, pleaded false implication, and stated that it was not liable to pay compensation.

4. Following issues were framed by learned Tribunal:

1. *Whether the accident, resulting into the death of Jai Bhagwan son of Ram Chander, had taken place due to the rash and negligent driving of vehicle, i.e. Tractor bearing registration No.HR-14Q-0419 by respondent No. 1, as alleged? OPP.*
2. *If Issue No. 1 is proved in affirmative, whether the petitioners are entitled to claim any compensation, if so, to what amount and from whom? OPP.*
3. *Whether respondent no.1 was not holding a valid and effective driving license on the date of alleged accident, if so, its effect? OPR-2.*
4. *Whether respondent no.1 had contravened the terms and conditions of insurance policy, if so, its effect? OPR-2.*
5. *Relief.*

5. On consideration of the evidence led by the appellants-claimants, Issue No. 1 was decided against the claimants, holding that they had failed to prove the involvement of the offending vehicle in the accident. Consequently,



Issues No. 2 to 4 were held to be redundant, and the claim petition was dismissed.

6. Perusal of the evidence led by the appellants-claimants shows that, in order to prove the involvement of the offending vehicle, the appellants relied on the evidence of PW-2 Rajesh Kumar (nephew of the deceased), who had found the deceased unconscious, shifted him to the hospital, and lodged the FIR in the present case on the day following the accident. They have also relied upon the evidence of PW-4 ASI Jagdeep Singh, who, after conducting an investigation, concluded that Respondent No. 1 was involved in the accident and filed a challan against him in criminal court arising out of FIR Ex. P-10.

7. On consideration of the evidence and the reasons recorded by the Tribunal, I find no fault with the conclusions drawn by the Tribunal. In the present case, it is clear from both the pleadings and the evidence of PW-2 that he did not witness the accident. It is also undisputed that PW-2 was the author of the FIR, which was lodged against an unknown vehicle, on the next day of the accident, i.e., 26.09.2020, at Police Station Sadar, Jhajjar.

8. Admittedly, it was only 18 days after the occurrence that PW-2, based on hearsay, made a supplementary statement before the police disclosing the registration number of the offending vehicle and naming Respondent No. 1 as the driver. In this supplementary statement, PW-2 stated that his source of information was Jagmohan, who is a relative of Respondent No. 1. PW-2 asserted that Jagmohan had informed him that Jaipal, his relative, was involved in causing the accident on 25.09.2020. Surprisingly, neither the police nor the claimants examined Jagmohan during the investigation or before the Tribunal.

9. The assertions regarding the involvement of Jaipal (Respondent No. 1) and the offending vehicle, which emerged only 18 days after the accident, are



therefore not based on direct knowledge but solely on hearsay from Jagmohan, who was never examined by the appellants-claimants before the Tribunal.

10. Faced with the above facts, which were duly noticed by the Tribunal, learned counsel for the appellants-claimants has argued that since the police, after investigation, had filed a challan against Respondent No. 1, this is sufficient to establish the involvement of the offending vehicle and Respondent No. 1 in the accident. It was further contended that the Tribunal erred in not considering the evidence of PW-4, the Investigating Officer, as well as the fact that Respondent No. 1 is facing trial before the criminal Court for causing the accident.

11. In support of his case, reliance has been placed upon following judgments:-

(1) Dilpari and others Vs. Daljit Singh and another, 2018(4) RCR
(Civil) 258,

(2) Harbans Lal and others Vs. Rameshwar Singh and others,
2023(1) Law Herald 129

12. At first glance, the argument raised on behalf of the appellants-claimants appears to be attractive; however, upon detailed examination, it cannot be accepted. In both the judgments relied upon by learned counsel for the appellants-claimants, the eyewitness account of the accident was duly placed before the respective Tribunals, and the challan filed by the police and the fact that the offending driver was facing trial served only to corroborate evidence, and police challan was not the sole evidence against the respondent driver regarding his involvement in the accident.

13. In the present case, Respondent No. 1 has specifically denied his involvement in the accident. The FIR was lodged against an unknown vehicle.



PW-2, the author of the FIR, clearly admitted that he reached the spot after the accident and found the deceased unconscious. He did not witness the accident, nor did he see Respondent No. 1 or the offending vehicle. He claimed to have learned about the involvement of Respondent No. 1 and the offending vehicle from Jagmohan, a relative of Respondent No. 1. However, in the absence of evidence from Jagmohan, these assertions cannot be accepted as true. It is highly improbable that a relative of Respondent No. 1 would disclose the name of the respondent to the claimants 18 days after the accident, particularly when the whereabouts of the offending vehicle and its driver had not come to light. The statements made by PW-2 in his supplementary statement and before the Tribunal defy common sense and cannot be accepted, especially without corroboration from Jagmohan as to whether he personally witnessed the accident or merely learned about it from others.

14. Similarly, the evidence of PW-4 and the fact that a challan was filed against Respondent No. 1 alone is insufficient to establish his involvement in the accident. PW-4, during his investigation, did not examine Jagmohan as a witness and merely accepted the assertions made by PW-2 in his supplementary statement. The challan was filed based solely on the statement made by PW-2, without any independent verification or investigation by PW-4 that could establish the involvement of Respondent No. 1 or the offending vehicle.

15. In these circumstances, when the Investigating Officer failed to examine Jagmohan, the primary source of information regarding the involvement of Respondent No. 1, the evidence of PW-4 and the fact that a challan was filed against Respondent No. 1 are insufficient to establish the involvement of Respondent No. 1 and the offending vehicle. Accordingly, no fault can be found



with the conclusions drawn by the Tribunal.

16. The appellants-claimants have failed to prove the involvement of the offending vehicle and Respondent No. 1 in causing the accident. Therefore, the present appeal is without any merit and is hereby dismissed.

27.10.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No