

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****264****FAO-3612-2024(O&M)**
Date of decision: 11.09.2025**Rajni & Others****...Appellant(s)****Vs.****Vakil & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Shiv Kumar Rana, Advocate
for the appellants.*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants against the dismissal of their Claim Petition No.158 dated 20.05.2019 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act") by Motor Accident Claims Tribunal, Jhajjar (hereinafter 'the learned Tribunal') vide Award dated 22.04.2024. The 3 claimants are the parents, and younger brother of deceased Rohit, who was 24 years old at the time of accident.

2. The case as pleaded by the appellants in their Claim Petition before the learned Tribunal as recorded in Para 4 of the impugned Award reads as follows:-

"4. The petitioners have stated that on 24.03.2019 Subhash son of Raj Kumar along with his friend Rohit son of Bhupender



Sharma was going from Sonapat towards Gurugram via KMP Highway on motorcycle bearing registration No. HR-22L-9895 driven by Subhash. Rohit's uncle Nehru son of Deep Chand followed them on his motorcycle for a short distance. At about 10:00 PM, when they reached near NH-10 Delhi-Rohtak road, offending vehicle i.e. Tractor-trolley bearing registration No. HR-38Y-6680 also going towards Gurugram, driven in rash and negligent manner by respondent no.1 who suddenly and negligently stopped the tractor-trolley without any indication. On account of which, motorcycle of Subhash collided with the back side of the trolley. Both Subhash as well as Rohit fell down on road. On account of which, both of them suffered multiple grievous injuries. The accident was seen by Nehru son of Deep Chand. Subsequently, Subhash died in Jindal Hospital, Hissar on 29.03.2019. Rohit has died on the way to PGIMS, Rohtak. The FIR of the above accident bearing No.98 dated 25.03.2019, under Sections 279,337,304-A IPC in police station, Assaudha was lodged. The petitioners have submitted that the respondents, who are driver, owner and insurer of the offending tractor bearing registration No. HR-38Y-6680 are jointly and severally liable to pay compensation to the petitioners for causing death of Subhash and Rohit in the above-said accident."

3. Learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties concluded that the appellants had been unable to prove that the accident in which Subhash and Rohit died, took place due to the rash and negligent driving of the



alleged offending tractor by respondent No.1. Accordingly, Claim Petition of the appellants was dismissed with costs. Hence, present appeal.

4. Learned counsel for the appellants submits that the Tribunal was in patent error in dismissing the Claim Petition of the claimants as it failed to appreciate that the respondent No.3-Insurance Company in its written statement has admitted that the accident in question had taken place as the offending tractor was driven in violation of the terms and conditions of the Insurance Policy. It is submitted that even the respondents No.1 and 2 have admitted that the accident has taken place, however, have stated that it was due to the fault of the deceased Rohit.

5. It is submitted that eyewitness Nehru clearly said in his statement and cross examination that the respondent No.1 was driving the offending vehicle in rash and negligent manner. The driver of the offending vehicle suddenly and negligently stopped his tractor trolley without any indication result of which the motorcycle of Rohit collided with the back side of the trolley and both of them fell down on road due to which Rohit sustained multiple grievous injuries mentioned in PMR/302/2019 dated 25.03.2019, but the Id. Trial court has not appreciated this fact and passed in the impugned award, which is liable to be set aside.

6. It is submitted that the claim petition has been wrongly dismissed by the Id. Trial court on the ground that there is no eyewitness in this case, but the Id. Trial court has totally ignored the statement of PW2



Nehru. PW2 in his statement stated that before the accident, he does not know about the status of KMP highway, as this was first time he used this highway by motorcycle. However, is ignored that PW2 has stated that the accident has taken place on 24.03.2019 by tractor-trolley bearing registrant NO. HR-38Y-6680 driven by respondent No.1 in rash and negligent manner.

7. No other argument is made on behalf of the appellants.

8. I have heard learned counsel and perused the case file in detail.

9. I find no merit in the submissions made on behalf of the appellants as first and foremost, eyewitness Nehru (PW2) produced and examined by the appellants, is the maternal uncle of deceased Rohit. Therefore, he is interested witness. Furthermore, PW2 has stated in his testimony that he does not know whether on KMP Highway, two-wheelers are allowed or not; he cannot tell about the vehicle with which the accident took place; that he did not see the accident with which vehicle struck the motorcycle. It is very odd that an eyewitness would not know all of the above facts. Explanation of the appellant that PW2 was not familiar with KMP Highway is flimsy as, even rustic villagers know about such highway. PW2 has further deposed that he had reached the place of occurrence 5-10 minutes after the accident; and that Subhash and the Police had met him the next morning at PGIMS Rohtak at about 10:30/10:45 am. Even PW4 Head Constable Mukesh has stated in his testimony that he could not trace out the alleged offending vehicle which had caused the accident; and on



29.03.2019, cousin brother of the deceased had told him that the accident was caused by tractor of respondent No.2. Accordingly, in view of the shaky testimony of the claimant witnesses, the learned Tribunal had held that the involvement of the offending vehicle was not proved. Even FIR No.98 dated 25.03.2019 in respect of the accident in question was lodged against unknown driver and unknown vehicle. Learned counsel for the appellants is unable to explain as to how the alleged offending vehicle and respondents No.1 and 2 were introduced into the picture. In fact, the Police in their investigation have not recorded the statement of respondent No.2. It had also been pleaded by the appellants that respondent No.2 had approached the appellants for seeking a compromise. However, the Police in its investigation report has nowhere recorded statement of respondent No.2 to this effect that the accident was caused by the alleged offending vehicle; or that respondent No.2 had approached the deceased's family for a compromise, but the deceased's family had refused the said compromise. Keeping in view the above-said glaring discrepancies in the case put-forth by the appellants, I find no error in dismissal of their Claim Petition.

10. No doubt, the claim petitions under the Act are required to be decided on the preponderance of probabilities; however, they cannot totally belie fundamental principles of logic and belief. The involvement of the offending vehicle has to be proved by some cogent and coherent evidence.



11. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.
12. In view of the above, no ground is made out to interfere in the impugned Award.
13. Present appeal accordingly stands **dismissed**.
14. Pending application(s) if any also stand(s) disposed of.

11.09.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge