



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

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FAO-5085-2015 (O&M)
Date of Decision: 26.11.2025

Om Pal

....Appellant

V/s

Jaibir Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Man Mohan, Advocate, for the appellant.

Mr. Rajiv Joshi, Advocate,
for respondent No.3-insurance company.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal assails Award dated 10.04.2015 passed by the Motor Accident Claims Tribunal, Panchkula (for short 'MACT'), vide which the claim petition preferred by the appellant-claimant under Section 166 of the Motor Vehicles Act, 1988 (for short the "MV Act") for the grant of compensation on account of death of his mother Smt. Kashmiri Devi in a motor vehicular accident which took place on 21.10.2013 was dismissed.

2. It was averred in the claim petition that on 21.10.2013, Smt. Kashmiri Devi was going from Village Bataur along with one Rajinder Singh in a three wheeler to Pawan Gupta Hospital, Barwala for taking medicines. At about 9.30 a.m., when they reached the hospital, Smt. Kashmiri Devi alighted from the auto and started moving towards the hospital from the other side. In the meantime, a car bearing Regn. No.HR01-AC-3866 (hereinafter referred to the as the "offending vehicle") came at a very high speed and struck against Kashmiri Devi as a result of which, she fell down on the road and sustained injuries. She was taken to Pawan Gupta Hospital, Barwala, from where, she was referred to the General Hospital,

25.10.2013. However, she expired on 23.11.2013. It was averred that the accident had taken place on account of rash and negligent driving of the offending vehicle by its driver (respondent No.1).

3. It was claimed that the deceased Kashmiri Devi was 70 years old and was a house wife. She was stated to have been supervising agriculture work of the family and was also involving in the work of dairy farming. It was claimed that a sum of Rs.1 lakh had been spent on treatment. Rs.50,000/- on the last rites and Rs.50,000/- on transportation and diet etc. Compensation of Rs.30 lakhs was claimed.

4. The claim petition was opposed. Respondent No.1 filed written statement. The factum of the accident was denied so were the other averments.

4.1 Respondent No.2 adopted the written statement filed on behalf of respondent No.1.

4.2 The insurance company, in its written statement, raised the usual defences and also denied the other averments.

5. From the pleadings of the parties, following issues were framed:

“1. Whether deceased Kashmiri Devi died due to rash and negligent driving of vehicle bearing No.HR01-AC-3866 being driven by respondent No.1 ?OPP

2. If issue No.1 is proved, whether the claimant is entitled for compensation, if so, to what amount and from whom?OPP

3. Whether respondent No.1 was not having valid license at the time of accident?OPR

4. Relief.

6. Parties led their respective evidence.

7. The MACT dismissed the claim petition, leading to the filing of the present appeal.

8. I have heard learned counsel for the parties.

9. Learned counsel for the appellant submits that the MACT erred in rejecting the claim petition. He submits that Kashmiri Devi had expired on account of injuries suffered by her in the accident but the MACT did not consider the matter from the correct perspective and erroneously rejected the claim petition. He submits that the Motor Vehicles Act, 1988 is a welfare legislation and the MACT was required to take a compassionate view of the entire matter.

10. *Per contra*, learned counsel representing respondent No.3-insurance company has opposed the submissions made by learned counsel for the appellant and has defended the impugned Award. He submits that the claimant was not able to prove that Smt. Kashmiri Devi had expired on account of injuries suffered by her in the said accident as no post-mortem report was produced, nor was any other medical record produced, which could have proved that the death of Smt. Kashmiri Devi was on account of injuries suffered by her in the accident.

11. I have considered the submissions made by learned counsel for the parties.

12. The accident in which Smt. Kashmiri Devi suffered injuries is stated to have taken place on 21.10.2013. She was earlier admitted in Pawan Gupta Hospital, Barwala, from where, she was referred to the General Hospital, Sector-6, Panchkula and from there to PGIMER, Chandigarh. It has come on record that she had been discharged from PGIMER and was at home when she unfortunately expired on 23.11.2013. No post-mortem was got conducted as a result of which, there is no post-mortem report on record. No medical specialist was examined, who could have deposed about the nature of the injuries suffered by Smt. Kashmiri Devi and as to whether she could have expired on account of the said injuries on 23.11.2013.

13. Apart from this, the alleged eye witness PW1, Rajinder Singh, stated that after the accident, he did not move any complaint to any authority. Still further, at no point of time, was the statement of Kashmiri Devi recorded despite the fact that after the accident having taken place on 21.10.2013, she expired on 23.11.2013. Nothing has come on record to show that she was not fit to make a statement.

14. Under the circumstances, in the considered opinion of this Court, the MACT committed no illegality while rejecting the claim petition. It has to be borne in mind that though the Motor Vehicles Act, 1988 is a welfare legislation, the claimants are required to prove their case by leading cogent evidence, which the appellant failed to do and the claim petition was, therefore, rightly dismissed.

15. In view of the above, I do not find any merit in the instant appeal and the same is accordingly dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

November 26, 2025

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No