



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

FAO-4406-2016 (O&M)
Date of decision : 11.08.2025

MEENAKSHI BHATEJA

....Appellant

Versus

PARAMJIT KAUR & ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep Verma, Advocate
for the appellant.

None for the respondents.

PANKAJ JAIN, J. (ORAL)

CM-15227-CII-2016

This is an application filed under Section 5 of Limitation Act seeking condonation of delay of 2 days in filing the instant appeal.

For the reasons recorded in the application, this Court is satisfied that the applicant/appellant has made out a sufficient cause for condonation of delay.

Consequently, the present application is allowed. The delay of 2 days in filing the instant appeal is hereby condoned.

FAO-4406-2016 (O&M)

Challenge is to the award passed by MACT, Sangrur, dated 27.04.2016 whereby claim petition filed by the claimant seeking compensation on account of death of Manpreet Singh, has been allowed.



2. As per the award, both the appellant as well as the owner and driver of the tractor have been held to be negligent to the extent of 40% each and the deceased to the extent of 20%.

3. Counsel for the appellant has assailed the findings recorded by the Tribunal primarily raising two grounds. Firstly, he asserts that there was a documentary evidence brought on record w.r.t. sale and delivery of the car by the appellant in favour of respondent No.5. He having opted not to appear, the evidence brought on record by the appellant remained unrebutted. Tribunal ought to have saddled respondent No.5 with the liability and not the appellant. Reference is being made to Exhibit R-1 i.e. delivery receipt dated 14.05.2012.

3.1. The other argument raised is that the appellant has been held guilty of contributory negligence without following any parameter.

4. I have heard counsel for the appellant and have carefully gone through records of the case.

5. Delivery receipt relied upon by the appellant to prove transfer of ownership, was tendered in evidence as Exhibit R-1. Trite it is that mere exhibition of document does not dispense with formal mode of proof thereof. After tendering the said document in evidence, no effort was made to prove the same. Neither scribe thereof has been examined nor dealer through whom the sale was effected was examined. In view thereof, this



Court finds that the Tribunal rightly ignored the delivery receipt produced by the appellant.

6. In para 16 of the award passed by the Tribunal, the factors leading to the accident, in question, relying upon the statement made by PW-1 Chamkaur Singh, an eye-witness to the accident, have been spelled out as under:

“16. This Court considers that in the presence of statement of PW1 Chamkaur Singh eye witness and FIR Ex.CW3/A the version of counsel for the respondent no.1 namely Pritpal Singh and respondent no.3 Manpreet Singh can not be accepted in toto. For the purpose of determining claim in motor accident cases quantum of negligence has to be determined by the Tribunal. Even if case of the claimant is taken as it is, even then it comes out that as per claimant and as it has been so proved by CW1 namely Chamkaur Singh, on 31.5.2013 at about 1.45 P.M deceased Manpreet Singh along with Jatinder Singh son of Didar Singh resident of village Kalera, were going to their village on motor cycle bearing no. PB-10BP-0954 from sherpur and Chamkaur Singh also driven his motor cycle bearing registration no. PB-13Q-8373 behind the deceased, when they reached near the main gate of Himalaya Public School, Ghanauri Kalan, then one Verna car colour white registration no. DL-CAQ8600 driven by respondent no.3 suddenly and without blowing horn applied the break and motor cycle struck in the car due to sudden break and deceased Manpreet Singh and Jatinder Singh fell down on the right side of the road and in the mean time one tractor bearing No, PB- 56-6307 coming from the front side alongwith a trolley in a very high speed, in zig-a- zag manner and without applying the break and without blowing horn crossed on the head of Manpreet Singh and crushed the head of Manpreet Singh and due to this Manpreet Singh died at the spot



and Jatinder Singh received the injuries and post mortem was conducted in Civil Hospital Dhuri by Dr. Jagmohan Singh on next day. The above said accident occurred due to the negligence act and conduct of respondent no.1 and respondent no.3. The FIR No.20 dated 31.5.2013, under section 304-A, 279, 427 IPC Police Station Sadar, Dhuri, was registered on his statement against respondent no.1 and respondent no.3.”

7. From the aforesaid version, it is evident that the deceased who was driving motor-cycle rammed into car ahead of him and fell down. The car suddenly stopped in the mid of road without prior indication. After Manpreet Singh fell down on the road, he was crushed by the tractor coming from the opposite side being driven in a rash and negligent manner.
8. In view of aforesaid facts and circumstances, this Court finds that no fault can be found with the findings recorded by the Tribunal holding the appellant to be a contributor to the accident.
9. Resultantly, finding no merit in the present appeal, the same is ordered to be dismissed.
10. Pending application(s), if any, shall also stand disposed off.

August 11, 2025

Dpr

Whether speaking/reasoned

Whether reportable

(Pankaj Jain)

Judge

: Yes/No

: Yes/No