

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

237

2025:PHHC:097170



**FAO No. 3965 of 2017 (O&M)
DECIDED ON: 31st July, 2025**

Ram Singh and others

.....Appellants

VERSUS

Manvir Singh @ Moni and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA.

Present: Mr. Sanjeev Goyal, Advocate for appellants.

NIDHI GUPTA., J (ORAL)

The present appeal has been filed by the claimants against the dismissal of their claim petition bearing MACT No. 26 dated 18.10.2014 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as 'the Act') vide Award dated 21.11.2016 passed by the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as 'the Tribunal'). The 3 claimants are the husband and two children of the deceased-Paramjit Kaur.

2. Brief facts of the case are that the learned Tribunal on appraisal of pleadings, oral and documentary evidence adduced before it concluded that the claimants had failed to prove that the deceased-Paramjit Kaur had died in a road side accident on 18.09.2014 due to the rash and negligent driving of the Motor cycle bearing registration No.PB-13AE-0190 (hereinafter referred to as 'the offending vehicle') being driven by respondent No.1, owned by respondent No.3 and insured by respondent No.3.

3. Learned Tribunal found that it was not proven on record that accident dated 18.09.2014 was caused due to rash and negligent driving of the offending motorcycle by respondent No.1.

4. Learned counsel for the appellants submits that the learned Trial Court has committed error in dismissing the claim petition of the appellants as it failed to appreciate that the FIR No. 106 dated 18.09.2014 under Section 304-A/279 IPC was registered at Police station Longowal against respondent No.1 on the date of accident itself. Furthermore, the appellants had proved on record that the deceased had died in a roadside accident. It is argued that in this situation the claim petition of the appellants could not have been dismissed. It is submitted that in pursuance of the FIR even charge-sheet Ex. CW1/D and application for supardari Ex.CW1/E were brought on record by the appellants. In the FIR itself name of respondent No.1 and number of motorcycle were specifically mentioned. Even post-mortem report of the deceased reflects that she had died due to roadside accident; and in which cause of death of Paramjit Kaur is recorded to be various injuries which are anti-mortem in nature. It is submitted that in this background claim petition of the appellants could not have been rejected. Accordingly, prays for setting aside of the impugned Award.

5. No other arguments was addressed by learned counsel for appellants. I have heard learned counsel and perused the case file carefully.

6. Although learned counsel has tried to make out a case, however, I find no merit in the submissions made on behalf of the appellants. No doubt, the appellants have placed on record documentary evidence pertaining to the criminal case registered against respondent No.1. However, admittedly during the pendency of the claim petition, the appellants had moved an application before the ld. Tribunal seeking

amendment of the claim petition for converting the same to be under Section 163-A of the Act. The record reveals that this was done as there was no evidence either oral or documentary to establish negligence by respondent No.1 in rejecting the claim petition of the appellants. Learned Tribunal relied upon judgment of this Court in ***FAO No. 672 of 2009 titled as 'Rahul and others Versus Satbir Singh and another', decided on 02.07.2014***, in which it was held that claimant cannot pursue his remedy both under Section 166 and 163-A of the Act simultaneously, as both the provisions are final and independent of each other.

7. Admittedly, the witnesses produced by the appellants have been unable to withstand with the rigours of cross-examination and have stated that they were not present at the time of accident. The application for amendment of the claim petition was moved by the appellants after their witnesses did not support their case. It was in this background that the learned Tribunal decided issue No.1 which is “*Whether Paramjit Kaur wife of Ram Singh died in Motor Vehicle Accident on 18.09.2014 had caused by the rash and negligent driving by respondent No.1 Manveer Singh @ Moni of motor cycle No.PB-13AE-0190?OPA*” against the appellants. The appellants were unable to prove the negligence of respondent No.1, through oral evidence. Even by documentary evidence brought on record by the appellants, the negligence of respondent No.1 was not proved.

8. Learned counsel for the appellants is unable to dispute or controvert the above said findings of the learned Tribunal.

9. In this view of the matter, the present appeal stands **dismissed**.
10. Pending application(s), if any, shall stands disposed of.

31st July, 2025

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No