

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****234****FAO-3976-2018(O&M)**
Date of decision: 02.09.2025**Smt. Raj Bala & Others****...Appellant(s)****Vs.****Ashok & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Lovepreet Singh, Advocate for
Mr. K.S. Malik-I, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.-Insurance Company.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.50,000/- awarded by the Motor Accident Claims Tribunal, Rohtak (hereinafter 'the learned Tribunal') vide Award dated 07.02.2018 passed in MACT Case No.53 dated 29.03.2017 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants/appellants are the 40-year-old mother, 42-year-old father and 19-year-old sister of deceased Naveen. Vide the impugned Award, the



learned Tribunal has disposed of the Claim Petition by awarding ₹50,000/- as compensation towards “No Fault Liability” under Section 140 of the Act.

2. It was the pleaded case of the appellants before the learned Tribunal as recorded in Para 2 of the impugned Award that: -

“2. As per case of the claimants, on 24.2.2017, deceased Naveen alongwith Sombir, Hari Om, Ashok and Ankit were travelling in a Scorpio bearing No.HR-33E/1355 (hereinafter referred to as the offending vehicle) for going to their village Pilana from Kalanaur. Ashok-respondent No.1 was on its wheels. He was driving the same at a very high speed and in a rash and negligent manner. At about 4.00 p.m. when they reached near village Katesra, the offending vehicle turned turtle on account of reckless driving by respondent No.1. As a result thereof, Naveen sustained fatal injuries and died at the spot. He at the time of death was 20 years of age and was serving in military and was getting Rs.60,000/- per month. His parents and sisters were dependent upon him. With these averments, they claimed Rs.70,00,000/- as compensation from the respondents, respondent No.1 being driver, respondent No.2 being owner and respondent No.3 being insurer of the offending vehicle.”

3. Learned counsel for the appellants assails the impugned Award by submitting that the appellants had duly proved their case as described in the Claim Petition. Respondent No.3 has examined RW1 Head Constable Manoj Kumar who deposed that the DDR was recorded in the presence of Vedpal occupant of the offending vehicle, and Satbir uncle of the deceased. As per the DDR, at the time of accident, Ashok Kumar-respondent No.1 was driving the offending vehicle and it is admitted and fully proved that the deceased Naveen was travelling in the vehicle along



with other co-passengers. The appellant No.1-Smt. Raj Bala examined as PW1 had specifically stated that on 24.02.2017, the accident had occurred and her son Naveen has died in this accident and he was serving in the Indian Army and getting a salary of Rs.60,000/- per month. PW1 along with other respectable persons of the village many a times visited to the Police Station and gave application dated 10.03.2017 whereby they made a request to reinvestigate the matter, but they did not pay any heed towards the request of PW1. Learned counsel accordingly prays that the impugned Award be set aside.

4. Learned counsel for respondent No.3-Insurance Company counters the submissions of the appellants and submits that in respect of the accident in question, the appellants have not registered any FIR. Accordingly, it was held by the Tribunal that the appellants had failed to prove the involvement of the alleged offending vehicle. Learned counsel accordingly prays for dismissal of the Claim Petition.

5. No other argument is made on behalf of the parties.

6. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellants.

7. Manoj Kumar, Head Constable in his testimony as RW1 has stated that no cognizable offence was made out against respondent no.1 and hence, no FIR was lodged against driver of offending vehicle. It is found from statement of PW2 Jai Parkash, alleged eyewitness, that he appears to be



planted witness as he has neither disclosed the registration number of motorcycle on which he was riding at time of accident, nor he produced on record any document to prove his presence at spot. Even in General Dairy Details/Report recorded with Police, there is no mention of his name at any stage. Plea taken by the appellants that father of deceased was mentally upset at time of recording his statement, is of no help as, even if this is accepted that father of deceased was unconscious or mentally upset at time of recording his statement, other witnesses accompanying him could have easily been examined. Important witnesses have been withheld for reasons best known to claimants.

8. Thus, as no direct evidence was led by the claimants to show/ establish that the accident had taken place due to the fault of respondent No.1, a sum of Rs.50,000/- was awarded under the “No Fault Liability” under Section 140 of the Act. I find no error in the same.

9. In view of the above, present appeal is **dismissed**.

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

02.09.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No