



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

**FAO-7239-2017 (O&M)  
Date of decision : 16.09.2025**

**IFFCO TOKIO GENERAL INSURANCE COMPANY LIMITED**

**....Appellant**

**Versus**

**SUNHERI AND OTHERS**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN**

**Present : Mr. Yogesh Gupta, Advocate  
for the appellant.**

**Ms. Deepsikha, Advocate for  
Mr. Sandeep Goyat, Advocate  
for respondents No.1 to 7.**

**PANKAJ JAIN, J. (ORAL)**

Challenge is to the award dated 03.08.2017 passed by MACT Bhiwani allowing the claim application filed by respondents/claimants awarding them compensation of Rs.5,72,972/- along with interest @ 9% per annum from the date of filing of the claim petition till the actual realization, on account of death of Dhoop Singh, father of the respondents/claimants, who is claimed to have died in a motor-vehicular accident, dated 18.09.2014.

2. Counsel for the appellant/Insurance Company, has assailed the findings recorded by the Tribunal on Issue No.1. He submits that Hukam Singh son of the deceased along with alleged eye-witness Vishnu Dutt, who appeared as PW-1 and PW-2, respectively before the Tribunal also were



cited witnesses in the criminal trial. In the criminal trial, they failed to identify the driver and to furnish details of offending vehicle. After the driver was acquitted in the criminal trial, the present claim petition was filed. In the present proceedings, both Hukam Singh and Vishnu Dutt categorically claimed that the accident was caused by rash and negligent driving of Dharmender. He submits that the falsity of the claim of the claimants is evident from the conduct of Hukam Singh and Vishnu Dutt. The Tribunal ought to have taken into consideration the conduct of PW-1 and PW2, who are untrustworthy witnesses and should have decided Issue No.1 against the claimants for having falsely implicated the vehicle insured by the appellant.

3. On being asked, whether Hukam Singh and Vishnu Dutt were confronted with their statements made in the criminal trial when they appeared before the Tribunal, counsel for the appellant submits that both of them while appearing before the Tribunal claimed that they did not appear before criminal court. It is for this reason that they could not be confronted with their earlier statements made in judicial proceedings.

4. Bare perusal of the award passed by the Tribunal would make it evident that the statements of Hukam Singh and Vishnu Dutt made before the criminal trial, were tendered in evidence in the claim petition. No effort was made to seek re-examination of Hukam Singh and/or Vishnu Dutt in order to confront them with their statements made before the criminal Court. That being the situation, this Court finds that the appellant cannot be



allowed to take any benefit from the alleged contradictions in the statements suffered by both of the witnesses. In view thereof, this Court does not find any reason to interfere in the findings recorded on Issue no.1.

5. Mr. Gupta further submits that the widow of Dhoop Singh has not been impleaded as one of the claimants and thus the claim petition is not maintainable.

6. In the considered opinion of this Court, for non-impleadment of widow of Dhoop Singh, the claim petition cannot be held to be bad. In case, widow of Dhoop Singh is alive, she is at liberty to seek her share in the awarded compensation from the claimants/respondents.

7. With the aforesaid observation, the instant appeal is disposed off.

8. Pending application, if any, shall also stand disposed off.

September 16, 2025

(Pankaj Jain)

Dpr

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No