

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****120****FAO-6479-2018 (O&M)****Date of Decision : 26.05.2025**

Subhash

....Appellant

VERSUS

Savitri

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Durga Dutt Sharma, Advocate for the appellant.

Mr. Sandeep Kumar Yadav, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the owner of the Pickup Truck bearing registration No.HR-66-6788 (hereinafter referred to as the 'Pickup') challenging the award dated 05.05.2018 passed by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as the 'Tribunal') in a claim petition filed under Section 163-A of the Motor Vehicles Act, 1988.

2. The brief facts relevant to the present *lis* are that on 17.04.2017, Sandeep (hereinafter referred to as the 'deceased') was going from village Basai to village Bhagot in the Pickup, which was owned by the appellant herein. At about 08.00 pm, when he reached at Bhagto-Sehlang Road Mandana, all of a sudden, a blue bull came from the opposite side. In order to save the bull, the deceased lost control over the Pickup, which turned turtle. The deceased came under the Pickup and died on account of the accident. DDR was lodged being DDR No.12 dated 18.04.2017 at Police

Station Kanina, District Mohindergarh. The appellant herein filed a written statement denying the factum of the accident.

3. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether Sandeep had died in a vehicular accident arising on account of use of Pick Up bearing registration No.HR-66-6788 as alleged in the petition ? OPP
2. If issue No.1 is prove, whether the petitioner is entitled to compensation, if so in what amount ? OPP
3. Whether deceased was not holding a valid and effective driving licence on the date of accident ? If so its effect ? OPR.
4. Relief.

4. Vide the impugned award the Tribunal awarded an amount of ₹4,53,300/- as compensation to the claimant-respondent No.1 herein. Aggrieved by the same, the present appeal has been preferred by the appellant.

5. Learned counsel for the appellant would contend that in the present case the claimant-respondent No.1 was unable to show as to how the deceased came to be driving the Pickup and that he was neither the driver of the appellant nor he had employed him.

6. *Per contra* learned counsel for the claimant-respondent No.1 would contend that in the present case, in the written statement, there is no specific denial to any of the averments made except in para 24 where it has

been stated that the accident took place because of a motorcycle on which the deceased was pillion riding. It is further the contention that in reply to para 10 it was stated that the deceased was travelling in Pickup bearing registration No. HR-66-6788. There is simpliciter denial and no specific reply has been given. It is further the contention that even in the statement it has nowhere been stated that the vehicle had been stolen or was being unauthorizedly used by the deceased.

7. Heard.

8. In the present case the argument now raised by learned counsel for the appellant that the claimant-respondent No.1 had failed to show as to how the deceased came to be riding the vehicle was neither a plea raised in the written statement nor was any evidence led in this regard. Infact, it was never the case of the appellant herein that the deceased was driving the vehicle unauthorizedly. The stand taken was that there was no accident which took place with the Pickup. In the absence of any pleadings, the said argument cannot be entertained.

9. In view of the above, the present appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

26.05.2025
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO