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

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FAO-5986-2023 (O&amp;M)

Date of decision: 12.12.2025

Gurmeet Kaur and Another

...Appellant(s)

Vs.

Ankit Kumar and Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sandeep Godara, Advocate  
for the appellants.

Mr. D.K. Prajapati, Advocate  
for respondent No.2.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Faridkot (hereinafter referred to as 'the Tribunal'), vide Award dated 04.08.2023 passed in MACP Petition No.05 dated 10.03.2022 filed under Section 166 read with Section 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 2 claimants are the 64-year-old widow and 17-year-old son of deceased Gurmail Singh, who was stated to be about 65 years old at the time of death.

2. The case as pleaded by the appellants in the Claim Petition before the learned Tribunal as recorded in para 2 of the impugned Award reads as follows: -

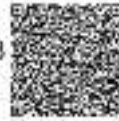
*"(2)...the deceased Gurmail Singh accompanied by the claimants was travelling on 23.06.2021 between Mudki and*



*Faridkot. The deceased Gurmail Singh was driving the motorcycle bearing registration no. PB-04-AA-4661 (hereinafter referred as accidental motorcycle'), whereas the claimants were on another motorcycle bearing registration no. PB-08-BW-1058. At about 09:00 AM, when they reached near Ashu Dhaba falling in the area of village Jandwala, a truck-trailer bearing registration no. PB-06-AK-4197 (hereinafter referred as 'offending truck') came. The offending truck was driven at high speed in rash and negligent manner by respondent no.1. Without taking any care and caution, the offending truck crossed and hit the accidental motorcycle of the deceased. As a result of such striking, the deceased fell on the road and received multiple grievous injuries including head injury and fractures on various parts. The deceased was taken to Guru Gobind Singh Medical College & Hospital, Faridkot by an ambulance, where he died on next day during treatment."*

3. The learned Tribunal upon appraisal of the pleadings as well as oral and documentary evidence led before it, had concluded that the appellants had failed to prove that the accident in question had taken place due to any rash and negligent act on part of the respondent No.1 for causing death of Gurmail Singh. As such, the respondents were not held liable to pay the compensation.

4. It is inter alia submitted by learned counsel for the appellants that the learned Tribunal was in error in dismissing the Claim Petition on flimsy grounds. It is submitted that the Claim Petition has been dismissed by relying upon DDR (Ex.C7). However, the Tribunal has failed to appreciate



that the said DDR was recorded by the Police on its own. The appellants were in mental tension upon the death of Gurmail Singh. As such, they could not read the DDR properly and nor was the same read over to appellant No.1 Gurmeet Kaur. Moreover, Gurmeet Kaur is an illiterate lady and thumb marked the DDR. Learned Tribunal was also in error in ignoring that the appellants had moved an application dated 10.02.2022 (Ex.C3) to the Senior Superintendent of Police regarding the highhandedness of the Police and regarding the wrong DDR. Learned counsel accordingly prays that the impugned Award be set aside.

5. Per contra, learned counsel for the respondent No.2 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal accordingly deserves to be dismissed.

6. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

7. The DDR dated 25.06.2021 (Ex.C7) was recorded on the statement made by appellant No.1/widow of the deceased; wherein the appellant had admitted the fault of the deceased in causing the accident in question. As per the said DDR, the appellant No.1 had stated that deceased was driving the accidental motorcycle and that he had caused the accident by striking the motorcycle in the rear of the alleged offending truck trailer.

In the said DDR, the appellant No.1 had also stated that the accident had



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occurred due to natural and sudden circumstances and without any fault on part of anyone. Moreover, in the DDR (Ex.C7), even the name of driver and owner is not mentioned and details of the offending vehicle such as number, etc. have not been mentioned. Accordingly, as the deceased himself was tortfeasor, therefore, the appellants cannot claim compensation. In this regard, I find support from judgment of Karnataka High Court in **G. Nagarathna v. G. Manjunatha, (Karnataka)(DB) : Law Finder Doc ID # 2671073**, wherein it is held that:-

*“Legal heirs of a deceased who was the tort-feasor in a motor vehicle accident cannot claim compensation under Section 166 of the Motor Vehicles Act, 1988, as it would amount to compensating a person for his own wrongs.”*

8. The aforesaid judgment has been upheld by the Hon’ble Supreme Court in **“G. Nagarathna & Others Vs. G. Manjunatha & Another” Special Leave Petition (Civil) Diary No(s). 22411/2025 decided on 02.07.2025.**

9. Learned counsel for the appellants has further relied upon Statement dated 10.02.2022 made by the appellants to the Senior Superintendent of Police (Ex.C3) concerned. However, no explanation is forthcoming from the appellants regarding the delay of eight months in making the said statement to the SSP. Furthermore, it cannot be ignored that the statement of the appellant to the SSP is at complete variance with the statement of the appellant in the DDR dated 25.06.2021, which was recorded immediately after the accident. Clearly, therefore, the appellants



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have changed their stance only in order to procure the compensation. In this regard, refer judgment of this Court in **Pritam Singh v. Jaswant Singh (P&H) : Law Finder Doc ID # 749020**, wherein it is held that:-

*“Motor Vehicles Act, 1988, Section 166 Accident - Claim Petition - Rash and Negligent - Not disputed that converted statement is first version of accident narrated by Appellant/Claimant to police wherein it is mentioned that accident taken place per chance and no fault of bus driver and does not want to initiate any action against bus driver - Held, Appellant/Claimant cannot be allowed wriggle out from initial version of occurrence Therefore, no illegality in findings of Tribunal that appellant not able to establish negligence and involvement of vehicle - Hence, appeal dismissed.”*

10. As regards contention of the appellants that under Section 140(3) of the Act, negligence is not required to be proved and therefore, the appellants were entitled to compensation as ‘No Fault Liability’, the same is also liable to be rejected as, in the present case, as demonstrated above, the deceased himself was tortfeasor. In view of the same, no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed**.

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

**12.12.2025**  
Sunena

**(NIDHI GUPTA)**  
**JUDGE**

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