



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

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FAO-4735-2002 (O&M)

Date of decision:01.07.2026

GURDEV KAUR AND OTHERS

...APPELLANTS

VERSUS

RAMESH KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Keshav Pratap Singh, Advocate
for appellant.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being aggrieved by dismissal of their claim petition vide impugned award dated 17.01.2002 passed by Motor Accidents Claims Tribunal, Ambala (hereinafter referred to as '**Tribunal**'), wherein appellants-claimants have sought compensation from respondents on account of death of Sh. Kuldeep Singh (hereinafter referred to as the '**deceased**'), in motor vehicular accident dated 11.11.2000, allegedly caused by respondent No.1 while driving car bearing registration No.CHK-7018 (hereinafter referred to as '**offending vehicle**').

2. The accident was denied in totality by respondents by taking plea of false implication.

3. Following issues were framed by learned Tribunal from the pleadings of the parties:-

- i. Whether the accident dated 11.11.2000 had been caused due to rash and negligence driving of Fiat Car No.CHK-7018 by its driver respondent No.1, Ramesh Kumar,

resulting into the death of Kuldeep Singh on 24.11.2000 due to the injuries suffered in the said accident ? OPP

- ii. If issue No.1 is proved to what amount of compensation and from whom the claimants are entitled ? OPP
- iii. Whether the Insurance Company is not liable to pay the compensation in view of preliminary objections raised in its written statement ? OPR
- iv. Relief.

4. Learned Tribunal after considering evidence of appellants-claimants and also that of sole eye-witness-PW3 came to the conclusion that the evidence led by appellants-claimants regarding involvement of offending vehicle in causing the accident dated 11.11.2000 is doubtful as same does not inspire confidence.

5. Learned counsel for appellants-claimants have challenged findings of learned Tribunal on the ground that learned Tribunal has erred by ignoring evidence of PW-3, who was the eye-witness of the accident. It is submitted that mere delay in disclosing the number of offending vehicle could not have been made sole ground to reject the evidence led by appellants-claimants especially when police after investigation had found offending vehicle involved in the accident and had accordingly challenged respondent No.1 who faced the criminal trial for causing the accident.

6. In present case facts are not much in dispute. Admittedly, accident had taken place on 11.11.2000 and FIR (Ex.R/4) was lodged on the statement of brother of deceased namely, Jeet Singh. It is also not in dispute that in FIR (Ex.R4) neither vehicle number nor make of vehicle was mentioned by author of FIR, namely Jeet Singh at the time of lodging of

FIR. It was subsequently on 12.12.2000 that PW3-Ram Pal had disclosed the number of offending vehicle as CHK-7018. It was also after one month of accident, police had investigated the matter on the basis of statement of PW3-Ram Pal and had filed final report against respondent No.1. The statement of Jeet Singh upon which FIR was lodged was duly placed on record by respondents as Ex.R3/A.

7. Learned Tribunal after appreciating evidence of PW3 as well as contents of FIR and statement of Jeet Singh concluded that PW3-Ram Pal is not a reliable witness and his evidence is full of discrepancies and contradictions and had accordingly disbelieved the evidence of PW-3.

8. On consideration of respective contentions as well as evidence on record, this Court does not find any error in the appreciation of evidence as was arrived at by learned Tribunal. PW3-Ram Pal had only disclosed the number of offending vehicle after one month of the accident. In his examination-in-chief as well as in his cross-examination, PW3 stuck to the stand that it was he who had taken the deceased to the Civil Hospital, Ambala City in a car which had come from Pehowa side. These assertions of PW-3 are contradicted by contents of FIR (Ex.R/4) as well as statement (Ex.R3/A) of brother of deceased, namely Jeet Singh. In FIR as well as in his statement, Jeet Singh has claimed that deceased was taken to hospital in a three-wheeler contradicting the statement of PW-3 on this aspect. It is the claim of PW-3 that it was he who had taken the injured to the civil hospital. PW-3 also claimed that no relative of deceased had reached at the spot even after one hour when he had left the hospital. PW-3 claimed that he had not met any family member of the deceased, however, author of FIR Jeet Singh

claimed that it was he who took the deceased to the hospital in a three-wheeler. Furthermore, the explanation given by PW-3 that he could not report the manner of accident and that it was caused by offending vehicle driven by respondent No.1 is also not corroborated by any material with acceptance. There is no convincing explanation as to why the involvement of offending vehicle was only disclosed after one month. The learned Tribunal has further noticed that PW-3 has made substantial improvement in his statement. That while making statement before the police vide Ex.P1, PW-3 Ram Pal had only stated the number of car and nothing else was stated by him, whereas while appearing as PW-3, he claimed that after the accident offending car had stopped at a distance and PW-3 along with others had requested the driver of offending vehicle to take the injured to hospital, which was declined by driver of offending vehicle.

9. Learned Tribunal has rightly taken notice of improvement in the statements made by PW-3 and has rightly concluded that the version is highly improbable. There is no explanation forthcoming as to why PW-3 and other people who had approached the offending vehicle had not stopped the car from escaping.

10. On appreciation, I find that learned Tribunal has rightly concluded that PW-3 is not a reliable witness who has been examined subsequently after the occurrence of the accident to involve the offending vehicle in a hit and run case. Absence of any explanation for remaining silent for more than one month in fact goes to create doubt over testimony of PW-3. On one hand, PW-3 has claimed that he had taken the deceased to Civil Hospital, Amabala City and had remained there for more than one hour

and on the other hand, he has failed to show any effort on his part to inform the family of deceased about the manner of occurrence of accident as well as involvement of offending vehicle. PW-3 kept silence for about one month, which is highly improbable. Further, the evidence of PW-3 is in contradiction with contents of FIR and statement of brother of deceased, Jeet Singh, which was recorded immediately after accident, whereas the statement of PW-3 had come in light only after one month. The statement recorded immediately after occurrence carries more value than statement recorded after lapse of time, giving opportunity to witness to improve upon it. In view of contradictions and discrepancies in the evidence of PW-3, especially when disclosure made by PW-3 was highly belated, no fault with the conclusion drawn by learned Tribunal can be found. The findings on issue No.1 recorded by learned Tribunal are on the basis of evidence on record and therefore, are upheld.

11. In view of failure on the part of appellants-claimants to prove involvement of offending vehicle, no compensation was rightly granted by learned Tribunal against respondents.

12. In view of above discussion, present appeal is dismissed being without any merit.

13. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

01.07.2026
Sunil Chander

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>