

2026:PHHC:049417



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

225

FAO-2397-2002

Date of decision :30.03.2026

SANJAY

... APPELLANT

VERSUS

MAHLE AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ramesh Hooda, Advocate
for the appellant.

Mr. Harjinder Singh, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. The present is a classic case where the appellant, after filing the claim petition, appeared to have assumed that the grant of compensation was the sole responsibility of the Court. The appellant, Sanjay, through his father, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation for the injuries sustained by him in motor vehicular accident dated 13.09.1998, allegedly caused due to the rash and negligent driving of respondent No. 1, who was driving jeep bearing registration No. DL-1CE-5198. Award dated 10.10.2001 was passed by Motor Accident Claims Tribunal, Rohtak whereby claim petition of the appellant was dismissed as no evidence proving loss suffered by claimant was placed on record.

2. On the basis of the pleadings, the following issues were framed by

the learned Tribunal:

1. *Whether present accident is the outcome of rash and negligent driving of respondent No.1 Mahle Ram driver while driving vehicle bearing No.DL-1CE-5198, on 13.9.98, in the area of village Kharawar, in which petitioner Sanjay suffered multiple injuries and vehicle bearing No.DL-4CD-1319, was damaged? OPP*
2. *If No.1 proved in affirmative to what amount and from whom the petitioners are entitled to recover ? OPP*
3. *Whether respondent No.1 was holding a valid driving licence on the date of alleged accident ? OPR*
4. *Relief.*

3. Issue No. 1 was decided in favour of the appellant-claimant, wherein it was held that the accident had occurred on account of the rash and negligent driving of respondent No. 1. However, while deciding Issue No. 2, the learned Tribunal dismissed the claim petition on the ground that except for the sole oral testimony of the father of the appellant-injured, no cogent evidence had been placed on record to establish that the injured had suffered any injuries or consequent loss.

4. Although the father of the appellant-claimant, while appearing as the sole witness (PW-2), deposed that the injured had sustained injuries in the accident and was initially admitted to a hospital in Najafgarh, thereafter taken to the Civil Hospital, Rohtak where he was medico-legally examined and subsequently shifted back to Ortho Plus Hospital, Najafgarh. No documentary evidence in support thereof was produced. Neither the MLR nor any admission, discharge, or treatment records were placed on record.

5. Furthermore, though the claimant-appellant alleged that he had suffered disability and relied upon a disability certificate, the same was neither

proved in accordance with law nor placed on record.

6. Thus, there is complete absence of any reliable evidence to substantiate the appellant-claimant's case that he suffered injuries or incurred any loss on account of accident thereof, except for the uncorroborated assertions made by his father while appearing as PW-2.

7. Additionally, it is pertinent to note that the record of the case stands burnt, and nothing is presently available either on the Court file nor with the learned counsel for the parties.

8. Learned counsel for the appellant-claimant fairly states that he does not possess a photocopy of the disability certificate, which, according to him, had been sent directly by the hospital to the Court pursuant to its directions. However, there is no material available on record to substantiate the said assertion made by learned counsel for the appellant-claimant.

9. In the present case, at best, it stands established that the appellant-claimant had suffered injuries on account of accident. However, the nature and extent of injuries, the period of hospitalization, and even the nature of treatment undergone by the appellant-claimant is not available on record, making it impossible to properly assess and quantify compensation.

10. In these circumstances, when only the occurrence of the accident has been proved and there are mere oral assertions with regard to the injuries, the ends of justice would be met if a lump sum compensation of Rs. 10,000/- under all heads is awarded to the appellant-claimant as accident and rash and negligent driving of respondent No. 1 stands established.

11. Appellant-claimant shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization.

Liability of respondents to pay compensation shall be as per the award.

- 12. The appeal stands disposed of accordingly.
- 13. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

30.03.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No