

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****147****FAO-1201-2024(O&M)****Date of decision: 14.05.2026****Smt. Bala (now deceased) through LRs****...Appellant(s)****Vs.****Sandeep & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Balkar Singh, Advocate
for the appellant.***********NIDHI GUPTA, J.**

Present appeal has been filed by the claimant (now deceased) through LRs seeking enhancement of compensation of Rs.50,000/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') to the appellant on account of 'No Fault Liability'; vide Award dated 05.01.2024 passed in MACP Case No.244 dated 26.07.2019 filed under Sections 166 and 140 of Motor Vehicles Act (hereinafter "the Act"). The sole claimant is the mother of the deceased; who is also now deceased and is represented through her LRs being the 27-year-old brother and 21-year-old brother of deceased Gulab Singh.

2. It was the pleaded case of the appellant that the deceased Gulab Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 29.09.2018 due to the rash and negligent driving of TATA-407 bearing registration No.HR-39B-8170



(hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. However, the Tribunal upon appraisal of pleadings and oral & documentary evidence adduced by the parties concluded that the claimants had failed to prove rash and negligent driving by respondent No.1. Accordingly, the Tribunal had awarded only an amount of Rs.50,000/- towards ‘No Fault Liability’.

3. Learned counsel for the appellant submits that the learned Tribunal was in error in awarding compensation to the appellant under ‘No Fault Liability’ as it failed to appreciate that FIR had been registered against respondent No.1 by the eyewitness namely Islam son of late Manphool. It is submitted that the complainant has categorically stated in the FIR that Gulab Singh deceased had died due to the rash and negligent driving of the offending vehicle by respondent No.1. Even the FIR was produced as Ex.P4 and Report under Section 173 Cr.P.C. was brought on record as Ex.P3. It is not disputed that respondent No.1 is facing trial in aforesaid FIR. It is submitted that therefore, in these circumstances, the learned Tribunal has wrongly inferred that there is no rash and negligent driving of the offending vehicle by respondent No.1. In holding as above, the learned Tribunal has ignored the vital evidence on record. It is submitted that there is sufficient evidence on record which proves that accident took place due to rash and negligent driving of the offending vehicle by respondent No.1. Thus, the learned Tribunal has wrongly allowed the Claim Petition under Section 140



of the Act and compensation has been awarded on the lower side. It is accordingly prayed that compensation of Rs.50 lakh along with interest @ 24% per annum be awarded to the appellant(s).

4. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

5. Perusal of record of the case shows that although the appellant has contended that the accident in question was witnessed by Islam, however, the appellant has failed to examine Islam before the learned Tribunal. When questioned as to why appellants had failed to examine Islam eyewitness before the learned Tribunal, learned counsel for the appellant has no reply. Although claimant No.1(a) Dariyav/27-year-old brother of the deceased Gulab Singh had appeared before the learned Tribunal as PW1, however, admittedly, he was not an eyewitness of the accident. No reason whatsoever has been given for the non-examination of the eyewitness Islam. Thus, the appellants were unable to prove the alleged rash and negligent driving of the offending vehicle by respondent No.1. In this circumstance, I am in agreement with the observation of the learned Tribunal that *“Merely submitting of FIR, copy of challan etc. is not sufficient to prove the rash and negligent driving of respondent No.1 In fact in the FIR the number of the offending vehicle is not mentioned. The vehicle of the respondent No.2 was involved later on. On this ground also, the FIR is not sufficient to prove the*



accident. The Investigating Officer also could not be examined by the petitioners, therefore, the petition is liable to be dismissed.”

6. Further, no doubt, the appellants had produced copy of FIR as Ex.P4 and copy of challan (Ex.P3) and Post-Mortem Report etc., however, without independent corroboration, the said documents could not be held to be proved; especially in view of the fact that the number of the offending vehicle was not mentioned in the FIR. Learned Tribunal has also duly taken note of the fact that the offending vehicle was traced only subsequently upon investigation. However, the said fact could not be of much credence as admittedly, the Investigating Officer has also not been examined.

7. In these circumstances, learned Tribunal had held that although the appellants had failed to prove rash and negligent driving of the offending vehicle by respondent No.1, however, the documents FIR (Ex.P4), report under Section 173 Cr.P.C. (Ex.P3) and copy of Post-Mortem Report (Ex.P5) are *“sufficient to prove the accident and death of Gulab Singh in the accident but rash and negligent driving of respondent No.1 is not proved from these documents.”* Accordingly, an amount of Rs.50,000/- was granted to the appellant by way of ‘No Fault Liability’ under Section 140 of the Act along with interest @ 7.5% per annum.

8. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings. In the aforementioned facts and



circumstances of the case, I find no ground is made out for enhancement of compensation.

- 9. In view of the above, present appeal stands **dismissed**.
- 10. Pending application(s) if any also stand(s) disposed of.

14.05.2026
Sunena

(Nidhi Gupta)
Judge

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