

FAO-2095-2004

[1]

2026:PHHC:004671



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2095-2004

Date of decision: 15.01.2026

Lalita Rani

...Appellant

Versus

Jai Chand and others

...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Ishan Cooner, Advocate for
Mr. J.S. Cooner, Advocate for the appellant.

Mr. Vikas Mohan Gupta, Advocate and
Ms. Tanvi Aggarwal, Advocate for respondent No.3.

DEEPAK GUPTA, J. (ORAL)

The claimant–appellant has preferred the present appeal challenging the award dated 08.01.2004 passed by the learned Motor Accident Claims Tribunal, Ambala, whereby her claim petition seeking compensation on account of the alleged death of her 40-day-old son, Gaurav @ Baby, in a motor vehicular accident, was dismissed.

2. The case set up by the claimant is that on 12.08.1998, she along with her family members, including her infant son Gaurav @ Baby, were returning from a marriage function in Jeep No. HR-01-D-8882, which was being driven by respondent No.1 in a rash and negligent manner. On reaching near Manmohan Singh Petrol Pump, Shahabad, the driver allegedly attempted to overtake a Tata Sumo, lost control of the vehicle, as a result whereof the jeep turned turtle. All the occupants sustained injuries and were shifted to CHC Shahabad. It was claimed that Gaurav @ Baby, aged about 40 days, succumbed to the injuries suffered in the said accident. On these assertions, compensation was claimed from the driver, owner and insurer of the jeep.



deceased infant was not travelling in the offending vehicle and that a false and concocted story had been set up to claim compensation.

4. Upon appraisal of the evidence, the learned Tribunal noticed that the claimant–Lalita and her other son Prince had admittedly suffered injuries in the accident and had filed separate claim petitions, which were allowed. However, no claim petition was filed at that time with respect to the alleged death of Gaurav @ Baby. The Tribunal further noticed serious inconsistencies in the evidence led by the claimant. According to PW2–Krishan Lal, the infant was buried on 12.08.1998 itself, i.e. the date of the accident. However, PW1–Dr. K.K. Sharma deposed that a baby, son of Ashok and Lalita, was brought to the hospital on 13.08.1998 and was discharged on the same date. These contradictory versions led the Tribunal to conclude that the claimant had failed to establish that the infant had died as a result of the accident in question. Consequently, the claim petition was dismissed.

5. Assailing the award, learned counsel for the appellant contends that the evidence on record has not been properly appreciated and that the Tribunal has erred in dismissing the claim.

6. This Court has considered the submissions and carefully perused the record.

7. It is well settled that proceedings under the Motor Vehicles Act are summary in nature and strict rules of evidence are not to be applied with rigidity. Nevertheless, the claimant is required to establish, on the touchstone of preponderance of probabilities, the foundational facts, namely: (i) involvement of the offending vehicle, (ii) occurrence of the accident due to rash and negligent driving, and (iii) a causal nexus between the accident and the death or injury for which compensation is claimed.

8. In the present case, the core issue before the Tribunal, and equally before this Court, is whether Gaurav @ Baby was travelling in the offending jeep and whether his death was attributable to the accident



dated 12.08.1998. On this crucial aspect, the evidence led by the claimant is not merely deficient but mutually destructive.

9. Despite repeated queries from this Court, learned counsel for the appellant has been unable to explain how, if the infant had died and was buried on 12.08.1998 as claimed by PW2, he could have been brought to the hospital and discharged on 13.08.1998, as per the testimony of PW1—Dr. K.K. Sharma. Such a contradiction goes to the very root of the claimant's case and cannot be brushed aside as a minor discrepancy.

10. Further, the absence of a post-mortem examination, particularly in a case involving the alleged accidental death of a 40-day-old infant, assumes significance. Equally relevant is the fact that while the claimant and her other son promptly filed claim petitions for the injuries sustained by them in the same accident, no claim was lodged at that time in respect of the death of Gaurav @ Baby. No cogent explanation has been offered for this omission.

11. The learned Tribunal has meticulously analyzed the evidence and recorded findings of fact which are based on logical reasoning and proper appreciation of the material on record. These findings cannot be said to be perverse or based on misreading of evidence.

12. In an appeal under the Motor Vehicles Act, this Court would be slow to interfere with findings of fact unless they are shown to be wholly unreasonable or contrary to the record. No such case is made out herein.

13. In view of the above discussion, this Court finds no ground to interfere with the award dated 08.01.2004 passed by the learned Motor Accident Claims Tribunal, Ambala. The appeal is found to be devoid of merit and is accordingly dismissed.

15.01.2026

(DEEPAK GUPTA)
JUDGE