



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

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FAO-591-2004

Date of decision:13.01.2026

Subhash Chand and Another

...Appellants

versus

Ramesh Kumar and Others

...Respondents

FAO-182-2004

Date of decision:13.01.2026

Parmod Kumar @ Lakhan

...Appellant

versus

Ramesh Kumar and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. B.S. Mamli, Advocate
for appellant(s).

Mr. V.K. Garg, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Claimant(s)-appellant(s) have preferred present appeals being aggrieved by impugned award dated 01.12.2003 passed by Motor Accidents Claims Tribunal, Kurukshetra (hereinafter referred to as '**Tribunal**') vide which claim petitions preferred by claimant(s)-appellant(s) (parents of deceased Parveen Kumar and injured Parmod Kumar), were dismissed.

2. It is the case of claimant(s)-appellant(s) that deceased Parveen Kumar had engaged a cultural programme for six days from 15.09.2000 to 20.09.2000. However, said party left the programme prior to the date fixed. Accordingly, on 17.04.2000 Parveen Kumar as well as injured Parmod Kumar followed the said party who had gone in offending vehicle Tata Sumo and



when they reached towards Ladwa, respondent No.1 struck his Tata Sumo while driving it in rash and negligent manner without blowing horn against the motorcycle of Parmod Kumar resulting into death of Parveen Kumar at the spot and injuries to Parmod Kumar.

3. It is the case of appellant-injured Parmod Kumar that he became unconscious immediately after accident and therefore FIR was lodged against unknown vehicle by another person namely, Mahavir Singh Kumar, who happens to be brother of Parmod Kumar. Subsequently, an application u/s 156(3) Cr.P.C. was preferred by Mahavir Singh and claim petition for seeking compensation was filed after filing of untraced report by the police in FIR.

4. Learned Tribunal after considering evidence led by claimant(s)-appellant(s) concluded that involvement of respondent No.1 and offending vehicle subsequently by claimant(s)-appellant(s) is doubtful and the statement of Parmod Kumar, who appeared as PW-2 as regards to involvement of offending vehicle was found to be not reliable. Learned Tribunal has duly considered evidence of Parmod Kumar, who appeared as PW2 as well as contents of FIR lodged by Mahavir Singh (real brother of Parmod Kumar). Perusal of contents of FIR duly noticed by learned Tribunal goes to show that FIR was lodged against unknown vehicle. Mahavir Singh, author of FIR, had found his brother Parmod Kumar lying on the road in injured condition along with dead body of Parveen Kumar.

5. It is worth noticing that after investigation, police had filed



untraced report in the present matter as FIR was against unknown vehicle and there was no material available with the police to find out involvement of offending vehicle. It is also worth noticing that investigating officer had clearly mentioned that the investigation is based upon statement of Mahavir Singh, Rakesh Kumar as well as injured Parmod Kumar, who joined the investigation. One of the claimant(s)-appellant(s) namely Subhash Chander Sharma, father of deceased Parveen Kumar had also made a statement that number of Tata Sumo bearing registration No.HR 02 F 8381 was wrongly mentioned and accordingly, untraced report was filed by investigating officer.

6. Admittedly, in present case injured Parmod Kumar was discharged from hospital on 25.09.2020, however, Parmod Kumar has not made any statement before the police or any other authority, disclosing number of vehicle being driven by respondent No.1 to be offending vehicle. It was only on 15.12.2022 at the time of filing present case that Tata Sumo bearing registration number HR 02 F 8381 was disclosed to be offending vehicle. There is an unexplained delay in disclosing of number of offending vehicle by injured. Even the story given by injured Parmod Kumar that he had gone after Tata Sumo i.e. offending vehicle to bring back cultural programme party and when they were following Tata Sumo, accident was caused by Tata Sumo again appears to be concocted story as PW-2 Parmod Kumar had not disclosed this story being stated by him while appearing before the Court, to the police or any other authority, prior to filing of petition. The conduct of injured Parmod Kumar in keeping quiet for three months and not disclosing the particulars of offending vehicle goes against his case.

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7. From the conduct of claimant(s)-appellant(s), it is clearly made out that offending vehicle was involved in present accident only to claim compensation by replacing it with unknown vehicle. The unexplained delay in disclosing the number of offending vehicle as well as uncorroborated evidence of sole witness i.e. PW-2 is fatal to the case of claimant(s)-appellant(s).

8. Hence, present appeals are dismissed being without any merit.

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

10. Photocopy of this order be placed on the file of connected case.

(PARMOD GOYAL)
JUDGE

13.01.2026

Sunil Chander

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