



225 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

FAO-386-2005 (O&M)
Date of decision: 19.05.2026

LILU RAM

....Appellant

VERSUS

GULZAR RAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Maneet Kaushik, Advocate
for the appellant (Amicus Curiae).

Respondent No.1 service dispensed with
vide order dated 23.03.2026.

Respondent No. 2 proceeded *ex parte*
vide order dated 19.05.2026.

Mr. Aseem Aggarwal, Advocate
for respondent No.3-National Insurance Company.

YASHVIR SINGH RATHOR. J.(Oral)

1. The file of the present case has got burnt in a fire incident in the High Court Registry and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned award.
2. The present appeal is directed against the Award dated 06.08.2004 passed by Motor Accident Claims Tribunal, Jind (**for short “Tribunal”**), vide which MACT Case No.52 of 14.05.1997 filed by the appellant/claimant for grant of compensation on account of death of his son namely Vijay Pal Singh in a motor vehicular accident allegedly on account of rash and negligent driving on the part of respondent No.1 while driving offending Truck No.HNG-1227, was dismissed.



3. The matter is being taken up in the post lunch session.
4. I have heard learned counsel for the parties and have gone through the material placed on record.
5. As per version of claimant, his son Vijay Pal Singh was a driver-cum-cleaner by profession and was employed with one Ashok Kumar to drive his truck bearing registration No.HRJ-4481. On 19.03.1996, he was standing near his loaded truck when respondent No.1-Gulzar Ram reversed his vehicle and knocked down Vijay Pal Singh, resulting in his death. It is alleged that the accident took place on account of rash and negligent driving on the part of respondent No.1-Gulzar Ram. Deceased was unmarried and was 23 years of age and he used to earn Rs.3,000/- per month. The claimant was dependent upon him and he sought a sum of Rs.10,00,000/- as compensation.
6. Respondent No.1-Gulzar Ram has opposed the petition on the grounds of locus standi and maintainability. It is further submitted that the truck in question was not involved in the accident and his truck never hit Vijay Pal Singh.
7. Respondent No.3-Insurance Company in its reply took a plea that the driver did not possess a valid and effective driving licence and the truck was plied in contravention of the terms and conditions of the Insurance Policy. It is further submitted that the claim petition has been filed in collusion with respondents No.1 and 2 just to extract money from the Insurance Company. It has also been denied that the truck bearing registration No.HNG-1227 was being driven by respondent No.1-Gulzar Ram.
8. From the pleadings of the parties, the following issues were framed by learned Tribunal:-



- “1. Whether the accident in question took place on 20.03.1996 in the area of Fatehgarh due to rash and negligent driving of Truck No.HNG-1227 by respondent No.1 in which Vijay Pal Singh met his doom? OPP*
- 2. If issue No.1 is proved in affirmative, what amount of compensation the petitioner is entitled to and from whom?OPP*
- 3. Whether respondent No.1 was not holding a valid driving licence on the date of accident?OPR-3.*
- 4. Relief.”*

9. Both the parties have led evidence in support of their respective claim and after hearing learned counsel for the parties and on going through the material on record, learned Tribunal came to the conclusion that claimant has failed to prove involvement of the offending vehicle or that accident took place due to rash and negligent driving on the part of respondent No.1 while driving the offending vehicle and consequently the claim petition was dismissed.

10. Learned Tribunal while deciding issue No.1, held as under:-

“8. It is the case of the petitioner that deceased Vijay Pal Singh was his 23 years old son. He had died in a motor vehicle accident on March, 19,1996 at a place called Amritsar. It has been urged that respondent Gulzar Singh was on the steering wheel of truck No. RNG-1227 at the time of the mishap which was the direct result of his gross negligence.

9. Sh. Lilu Ram (PW1) has testified that deceased Vijay Pal Singh was his son, who had died in a motor vehicle accident. He was driver by profession. He used to contribute a sum of Rs. 4000/- per month for family expenses. He was fully dependent upon the income of his son Sh. Lillu Ram has not deposed anything about the vehicle involved in the mishap and he has also not disclosed the identity of its driver. He has also not deposed about the manner in which the



mishap had occurred.

10. Similarly Satyawan (PW2) has failed to depose about the manner in which the mishap had occurred and about the vehicle involved in the alleged accident. He is the elder brother of deceased Vijay Pal Singh.

11. This is the entire evidence brought on record by the petitioner but it does not connect respondent Gulzar Ram or truck No.HNG-1227 with the alleged mishap. Therefore, the petitioner has failed to prove that truck No. HNG-1227 with respondent Gulzar on its steering wheel was involved in the mishap or that Vijay Pal Singh had died as the result of the injuries suffered by him in the accident. This issue is decided against the petitioner.”

11. A perusal of the aforesaid reasons recorded by the Tribunal shows that no evidence was led by the claimant to prove that the accident in question had taken place due to rash and negligent driving on the part of respondent No.1 while driving the offending vehicle. Even deceased's brother Satyawan while appearing as PW2 failed to depose about the manner in which the accident occurred and about the registration number of the vehicle involved in the accident. Claimant Lilu Ram while appearing as PW1 has also not deposed anything about the vehicle involved in the accident and he has also not disclosed the identity of the driver and the manner in which the accident occurred.

12. In order to succeed in a petition under Section 166 of Motor Vehicle Act, claimant was required to prove by leading cogent and convincing evidence that the accident in question had taken place on account of rash and negligent driving on the part of respondent No.1 while driving the offending vehicle. No person has been examined who might have witnessed the accident or to prove the



involvement of offending truck. There is also no material on file to establish that respondent No.1 was challaned by the police for causing the accident in question and in the absence of cogent and convincing evidence, learned Tribunal thus rightly came to the conclusion that offending vehicle was not involved in the accident. The finding on issue no.1 thus does not suffer from any material illegality or irregularity and the same is accordingly affirmed.

13. As a result of afore-said discussion, there is no merit in the appeal and same is accordingly ordered to be dismissed. However, there shall be no order as to costs.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

19.05.2026
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No