



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

**205**

**FAO-3597-2008 (O&M)**

**Date of decision: 28.01.2026**

**Amriti Devi and others**

**...Appellant(s)**

**Vs.**

**L/MNK Shayam Vir Singh No. 14408479**

**and others**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Joginder Siwach, Advocate for  
Mr. Rajeev Dev Sharma, Advocate for the appellants.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Gurdaspur (hereinafter 'the learned Tribunal'), vide Award dated 14.02.2008 passed in MACT Case No. 141 dated 18.10.2006 filed under Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 6 claimants are the widow; 2 major sons; and 3 major daughters of the deceased Parkash Chand.

2. Memo of appearance filed on behalf of the appellants by Mr. Arjun Sharma, Advocate in Court today is taken on record. Learned counsel for the appellants undertakes to file vakalatnama in the Registry within two weeks from today.

3. It was pleaded case of the appellants that the deceased Parkash Chand had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.11.2000 at about 05:20 A.M. due



to the rash and negligent driving of an Army Vehicle BA No. 97-D-105506 H Shaktiman (3 tons) (hereinafter referred to as “the alleged offending vehicle”) being driven by respondent No.1; owned by respondents No.2 and 3.

4. The learned Tribunal upon appraisal of the pleadings as well as oral and documentary evidence led before it, had concluded that the appellants had failed to prove that accident in question had taken place on account of use of motor vehicle. Accordingly, Claim Petition was dismissed.

5. It is *inter alia* submitted by learned counsel for the appellants that the learned Tribunal was in error in dismissing the Claim Petition as it has given undue importance to the alleged compromise between the parties. The Ld. Tribunal further ignored the version of Darshan Kumar. Moreover, the Tribunal lost sight of the important fact that the income of the deceased was duly proved at Rs.3300/-. This evidence led by the appellants regarding the income remained unrebutted as no cross examination was conducted on this point. The appellants in order to prove their case adduced relevant documentary as well as oral evidence but the same has been simply ignored by the Ld. Tribunal.

6. Learned counsel for the appellants further submits that the Ld. Tribunal erred in law by dismissing the claim petition also on ground of delay. It is well settled Principle of law that delay in filing the petition under Motor Vehicles Act, does not debar a person to file the claim petition.



7. It is accordingly prayed that the present appeal be allowed; and the impugned Award be set aside and compensation be awarded to the appellants.

8. No other argument is raised on behalf of the appellants. I have heard learned counsel and perused the case file in great detail.

9. Perusal of the record of the case shows that respondent No.1, while appearing as RW1, has stated in his Affidavit that at the time of accident, deceased was crossing the road on his bicycle; that respondent No.1 had duly applied brakes on the alleged offending vehicle; that the deceased then fell on the road due to his fear; as a result of which he received injuries due to fall on road. No evidence has been led by the appellants to rebut the said evidence of respondent No.1. In fact, no evidence has been led by the appellant to show that accident was caused as the alleged vehicle had hit into the bicycle of the deceased.

10. Furthermore, even as per the DDR No. 30 dated 06.11.2000 Ex.A1, the accident had occurred due to fall of the cyclist/deceased. It is also to be noted that even in the DDR, it is nowhere mentioned by the claimants' side that accident had taken place due to striking of the alleged offending Army vehicle against the cyclist.

11. It is further to be noted that a compromise had been effected between the parties. A compromise certificate was duly produced by the appellants before the police wherein it was specifically stated that parties have mutually agreed not to initiate any further action on the issue. In this regard, it is also worthy to note that Darshan Kumar/claimant No.2/son of



the deceased had given an Affidavit duly attested by the Sub Divisional Magistrate, Pathankot on his behalf and on behalf of other claimants that they shall not claim any compensation with regard to this accident. Contention of the claimants that their signatures were obtained on blank papers, was rightly rejected as undisputedly Darshan Kumar was 24 years old at the time when his statement was recorded before the Sub Divisional Magistrate. If signatures of the appellants had been fraudulently obtained, the matter would have been reported to the police. However, no such complaint was made by the appellants before the police.

12. Last but not the least, accident had taken place on 06.11.2000; whereas Claim Petition has been filed 6 years thereafter on 18.10.2006. Even claimant No.1/widow had not approached any authorities for a long period of 6 years. As such, learned Tribunal had correctly held that the appellants were unable to prove that the accident in question had taken place due to involvement of the alleged offending vehicle.

13. In view of the above, present Appeal is **dismissed**.

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

28.01.2026  
Divyanshi

(NIDHI GUPTA)  
JUDGE

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