



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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FAO-5288-2008(O&M)
Date of decision: 10.02.2026

Ramesh Chandra Rout & Another

...Appellant(s)

Vs.

Sh. Sampat Lal Bishnoi & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Aaryan Kargwal, Advocate
for the appellants.

NIDHI GUPTA, J.
CM-26680-CII-2008

This is an application under Section 5 of Limitation Act read with Section 151 CPC for condonation of delay of 49 days in filing the appeal on part of appellant No.1; and delay of 159 days on part of appellant No.2.

After going through the contents of the application, which is supported by affidavit of the appellants, the same is allowed subject to all just exceptions and delay of 49 and 159 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.50,000/- awarded by the Motor Accident Claims Tribunal, Amritsar (hereinafter 'the learned Tribunal')



towards 'No Fault Liability' vide Award dated 07.01.2008 passed in MACT Case No.90 dated 17.05.2006 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The two claimants are the parents of deceased Devender Singh, who was 21 years old at the time of accident.

2. Brief facts of the case as pleaded by the claimants, as recorded in Para 1 of the impugned Award reads as follows:-

"On 29.12.2004 L/NK Devender Singh was driving on Army Tatra Tank Transporter and proceeding from Amritsar to North Camp Mahajan Field firing Ranger. Six personnel were there in the vehicle. When this vehicle was 15 KM ahead from Bathinda on Bathinda Bikaner Highway, it got off road due to fault in the clutch plates which was stationed off the road and on 30.12.2004 at about 13.30 hours, respondent no. 1 came driving on vehicle no. RJ-19-IG 2897 in a rash and negligent manner and struck against Rati Kant Rout, who was on sentry duty on the tank trailer. As a result, he fell down and succumbed to the injuries at the spot. Autopsy on his corpse was conducted and later FIR was registered regarding this accident. Respondent no. 2 is the owner of this vehicle. Claimants are parents of the deceased, who was 21 years old at the time of his death in this motor vehicular accident and was earning Rs. 5887/- per month."

3. The Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, found that appellant had failed to prove that respondent No.1 was negligent in driving the offending vehicle. However, on the basis of the FIR (Ex.A2) and Autopsy Report (Mark



A), Id. Tribunal held that it was established that son of the claimants had died in a motor vehicular accident; and therefore, a sum of ₹50,000/- was awarded to the appellants on the principle of No Fault Liability.

4. Learned counsel for the appellants submits that the learned Tribunal had erred in granting meagre amount of Rs.50,000/- under 'No Fault Liability' as it failed to appreciate that the respondents No.1 and 2 did not even come present in the Court. Hence, they were proceeded against ex parte. The respondents did not defend their case or controvert the version of the appellants. Yet the learned Tribunal has drawn the conclusion that respondents were not at fault.

5. Learned counsel submits that the learned Tribunal was in error in holding that the respondents were not at fault as it failed to appreciate that as per the FIR as well as the statements of the witnesses produced by the appellants, it was clear that respondent No.1 came at very high speed and hit his truck into the stationary TATA truck of the Army which was carrying tank on which the deceased was doing job of Sentry. Due to the impact of the crash, the deceased fell down and succumbed to the injuries at the spot.

6. Ld. Counsel submits that the learned Tribunal even did not consider the hard fact that both the appellants are the parents of the deceased and they have lost their young son of 21 years old and they have



been deprived of the love and affection which cannot be measured in any term, but at least they could be compensated with the claim.

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

8. In the present case, the respondents were proceeded against ex parte. However, in their ex parte evidence, appellants have only examined claimant No.1 as AW1; and closed their evidence. By way of documentary evidence, appellants had tendered into evidence Copy of the FIR as Ex.A2 and copy of Autopsy Report as Mark A. Admittedly, the appellants have failed to examine the complainant/author of the FIR, who was stated to have been present at the time of accident. Admittedly, the claimant No.1 was not present at the spot at the time of accident. As such, learned Tribunal has correctly held that evidence of claimant No.1 was not sufficient to prove rashness and negligence on part of respondent No.1. Therefore, in effect, there was no evidence whatsoever to establish or even indicate that the accident had taken place due to the rash and negligent driving of the vehicle LPG truck bearing registration No.RJ-19-IG-2897 by respondent No.1.

9. On a Court query, learned counsel for the appellants has failed to disclose to this Court as to whether the appellants have received any amount by way of compensation from the Army Authorities. Learned counsel for the appellants is also unable to inform as to whether the respondents



No.1 and 2 have been convicted or acquitted in the criminal proceedings. Therefore, keeping in view the entirety of the facts and circumstances of the case as noted above, I find no error in the impugned Award as the claimants have been unable to prove any rashness and negligence on part of respondent No.1. In this circumstance, learned Tribunal has correctly awarded Rs.50,000/- as compensation under the 'No Fault Liability' clause.

10. In view of the above, present appeal stands **dismissed**.

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

10.02.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No