

2026:PHHC:054852



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

**FAO-380-2009 (O&M)
Date of Decision: 07.04.2026**

Karamjit Kaur and others

....Appellants

Versus

Gurjant Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Raman Mohinder, Advocate, for the appellants.

Mr. Krishan Kumar Thakur, Advocate,
(Legal Aid Counsel) for respondent No.1.

Mr. Shashi Kumar Yadav, Advocate,
for respondent No.2- Insurance Company.

VIKRAM AGGARWAL, J. (Oral)

The instant appeal has been instituted by the appellants-claimants against the award dated 02.06.2008 passed by the Motor Accident Claims Tribunal, Sangrur (for short 'the MACT'), vide which the claim petition filed by the claimants, was dismissed.

2. The facts, as emanating from the paper book, are that the claimants (widow, mother and minor children) filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act'), claiming compensation on account of the death of one Major Singh.

2.1 It was pleaded that on 13.06.2006, the said Major Singh had left on his motorcycle bearing registration No. PB-13D-2728 from village Ramgarh for his fields in village Kalihana. At about 8.30 p.m., when he reached near the Government School of the said village, the scooter being driven by respondent No.1-Gurjant Singh, who was coming from the opposite side, hit against the motorcycle of Major Singh. As a result of the same, Major Singh, fell on the road and sustained multiple serious injuries. He was shifted to Civil Hospital, Nabha, wherefrom he was referred to Rajindra Hospital Patiala, where he died on 14.06.2006.

2.2 It was claimed that the accident had taken place due to the rash and negligent driving of respondent No.1. The said accident was said to have been witnessed by one Satta Singh and one more person, both residents of village Kalihana. Deceased-Major Singh was claimed to be aged 32 years and self employed at the time of accident. It was asserted that the claimants were entirely dependent upon deceased-Major Singh and accordingly, compensation of Rs.10 Lakhs was sought.

3. Despite service, respondent No.1 did not appear and was accordingly proceeded against *ex-parte*.

3.1 In the written statement filed by respondent No.2-Insurance Company, the version contained in the claim petition was termed to be a concocted one. It was admitted that the Scooter bearing registration No. PB-28A-6738 was insured with respondent No.2, but it was asserted that respondent No.1, was

not having a valid and effective driving licence at the time of the accident.

4. From the pleadings of the parties, following issues were framed:-

- 1. Whether Major Singh died due to rash and negligent driving of scooter No. PB-28A-6738 by respondent No.1 on 13.06.2006? OPA**
- 2. Whether respondent No.1 was not having a valid driving licence at the time of accident? OPR2**
- 3. To what amount the claimants are entitled by way of compensation and from whom? OPA**
- 4. Relief.**

5. Parties led their respective evidence.

6. Vide award dated 02.06.2008, the MACT dismissed the claim petition, leading to the filing of the instant appeal.

7. I have heard learned counsel for the appellants.

8. Learned counsel for the appellants has submitted that the MACT erred in dismissing the claim petition. He submits that once the factum of the death of deceased-Major Singh, in the accident in question, stood proved on record, the approach of the MACT in dismissing the claim petition is erroneous. It is further argued that mere non registration of FIR, was no ground to dismiss the claim petition, especially when, a DDR (Mark-C) was lodged by appellant-Karamjit Kaur and besides that she, while appearing as PW1, had deposed in her testimony before the Court that Satnam Singh alias Satta

(PW2) had told her about the accident and had witnessed the same.

8.1 Learned counsel further argues that there was no defence on behalf of respondent No.1, as despite service, he did not appear and was proceeded against *ex-parte* and in the absence of any defence or denial of the accident having been caused by respondent No.1, the MACT was not justified in holding that the accident was not caused by the rash and negligent driving of respondent No.1.

8.2 On the other hand, learned counsel for the respondents, submit that there is no illegality in the impugned award. It is further argued that the claimants did not lead any cogent and convincing evidence on record to prove that Major Singh had died as a result of the injuries suffered by him in the alleged accident caused due to the rash and negligent driving of respondent No.1. Accordingly, they have prayed for dismissal of the instant appeal.

9. I have considered the submissions made by learned counsel for the parties and have also gone through the record.

10. No doubt, the MV Act is a beneficial legislation, but at the same time, it must be borne in mind that the claim petitions have to be decided on their own merits and non deserving claimants should not be paid any compensation.

11. The case set up by the claimants was that Major Singh had died as a result of the accident caused by the rash and negligent driving of respondent No.1-Gurjant Singh. However, as has rightly been found by the MACT, if the accident

in question had taken place on 13.06.2006 causing death of Major Singh, it is beyond common understanding as to why an FIR was not lodged in that regard. Rather, appellant-claimant No.1-Karamjit Kaur, had got lodged a DDR (Mark-C) dated 14.06.2006 stating therein that her husband had fallen off suddenly from the motorcycle and there was no fault of anybody in causing the accident. It was further got recorded by her in the DDR that the brakes of the motorcycle being driven by her husband, were weak. Still further, Satnam Singh alias Satta, the alleged eye-witness of the accident, deposed in his cross-examination that he did not know the number of the scooter and the name of its driver. Thus, the testimony of the said witness is not trustworthy.

12. If one considers the arguments addressed by learned counsel for the appellants and reconciles the same with the record and also considers the findings returned by the MACT, there remains no doubt in the mind of the Court that no error was committed by the MACT in dismissing the claim petition.

13. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

07.04.2026
ds

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