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

FAO-5431-2009 (O&M)

Date of Decision : 20.01.2026

Sajjan Singh @ Kamaldeep

... Appellant(s)

Versus

State of Haryana & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dheeraj Narula, Advocate for the appellant.

Mr. S.K. Panwar, Addl. AG Haryana for respondent Nos.1 & 2.

Mr. Harsh Aggarwal, Advocate for respondent No.5.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the injured-appellant aggrieved by the impugned award dated 21.02.2009 passed by the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as 'Tribunal') whereby the claim petition filed by the injured-appellant was dismissed.

2. Brief facts relevant to the present *lis* are that on 31.05.2001 the injured-appellant along with Paramjeet Singh @ Pamma, Raju and Jugnu was going from Sirsa to Karnal in a Contessa Car bearing registration No.DL-2C-2279 being driven by Raju. When their car reached in the area of Nissing, a Haryana Roadways bus bearing Registration No.HR-08-PA-0101 (hereinafter referred to as 'offending vehicle'), which was being driven by Pritam Singh (respondent No.4 herein) in a rash and negligent manner, was coming from the opposite direction and hit their car. In the said accident, the injured-

appellant had received multiple injuries. An FIR No.117 dated 31.05.2001 under Section 279/337/338 of the Indian Penal Code, 1860 was also registered on the statement of Paramjit Singh.

3. On notice respondent Nos.1 and 2 had filed a joint statement and stated that the bus was insured with the Insurance Company and in case there is any claim, the same may be recovered from the Insurance Company. It was further stated that a false FIR had been registered. A separate written statement was filed by the Insurance Company (respondent No.5 herein) taking various preliminary objections qua maintainability, mis-joinder and non-joinder of necessary parties, respondent No.4 was not holding a valid and effective driving licence etc. All the averments made in the claim petition were denied.

4. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether the petitioner sustained injuries in the accident in question which took place as a result of rash and negligent driving of Haryana Roadways Bus No.HR-08-PA-0101 by respondent No.3 ? OPP
2. Whether the claimant is entitled for compensation, if so, to what amount and from whom ? OPP
3. Whether the petition is bad for non-joinder and mis-joinder of necessary parties ? OPR
4. Whether respondent No.3 did not hold a valid and effective driving licence at the time of alleged accident, If so its effect ? OPR
5. Relief.

5. The Tribunal vide the impugned award dated 21.02.2009 dismissed the claim petition. Hence, the present appeal.

6. Learned counsel for the injured-appellant would contend that as noticed, there were four people who were injured in the present accident. The injured – Parbodh Rattan @ Raju and Lovkesh @ Jugnu – had filed their separate claim petitions, which were settled before the Lok Adalat and the awards dated 24.07.2004 were passed. However, the claim petition filed by the appellant was dismissed only on the ground that Parbodh Rattan @ Raju, who was the owner and driver of the car, was negligent and that neither he nor the Insurer of the car had been impleaded as a party. Learned counsel for the appellant has further stated that the fact that the cases of Parbodh Rattan @ Raju and Lovkesh @ Jugnu – had been settled before the Lok Adalat was not to his knowledge and now the awards dated 24.07.2004 have been placed on the record as additional evidence by way of CM-7729-CII-2025 as Annexures A1 and A2.

7. Learned counsel for respondent No.5-Insurance Company would contend that since the injured-appellant did not lead any evidence and his evidence was closed by order twice, hence, the claim petition has rightly been dismissed by the Tribunal.

8. I have heard the learned counsel for the parties.

9. In the present case two of the injured have already received their compensation vide the awards dated 24.07.2004 (Annexures A1 and A2) and denying the present injured-appellant his compensation on the ground that he failed to bring this to the notice of the Court earlier or on the ground that he did not lead cogent evidence would be a travesty of justice.

10. Further, as noticed in the impugned award itself by the Tribunal,

the injured-appellant had placed on record his medical bills in the sum of ₹78,540/- and conveyance receipts. It was also noticed in the impugned award that the injured-appellant remained admitted in PGI Chandigarh for 24 days and in this regard his Medico Legal Report was proved on record as Ex.P3. It was also noticed that the injured-appellant suffered 40% disability and in this regard photocopy of his disability certificate was placed on record as Mark-1. The Tribunal while deciding issue No.2 observed that the above said bills and disability certificate were not *per se* admissible documents and therefore the same were not taken into consideration. The disability certificate of the injured-appellant appeared to have been issued by the Board of Doctors concerned. Hon'ble Supreme Court in the case of **Bajaj Allianz General Insurance Company Pvt. Ltd. Vs. Union of India & Ors. [2021 (4) TAC 676]** has held as under :

“ As far as the aspect of the issuance of certificate on disability of victims is concerned, it is reiterated that the guidelines laid down by this Court in Raj Kumar v. Ajay Kumar and Anr., (2011) 1 SCC 343 mandatorily must be followed by the MACTs, in respect of loss of income due to injury/disablement. The District Medical Board is also directed to follow the guidelines issued by the Ministry of Social Justice and Empowerment, Government of India vide Gazette Notification S. No. 61, dated 05.01.2018, for issuance of disability Certificate in order to bring Pan India uniformity. The consequence is that the MACT would ascertain that permanent disability certificate issued by the District Medical Board or body authorized

by it is in accordance with the Gazette Notification alone.

Once the certificate is issued in this manner, the same can be marked for purposes of being taken into consideration as evidence without the necessity of summoning the concerned witness to give formal proof of the documents unless there is some reason for suspicion on the document.”

11. In view of the above and keeping in view the fact that the Motor Vehicles Act, 1988 is a beneficial piece of legislation, the present appeal is allowed and the impugned award dated 21.02.2009 stands set aside. The matter is remanded back to the successor Presiding Officer of the Tribunal concerned for decision of the claim petition afresh, in accordance with law. The parties shall appear before the Tribunal concerned on **09.02.2026** at 10:00 am.

12. Pending applications, if any, also stand disposed off.

20.01.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO