



FAO-5471-2009

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5471-2009 (O&M)

Date of decision: 20.01.2026

Smt. Veera Devi and others

...Appellant(s)

Vs.

Inderjit Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Devyansh, Advocate for
Mr. Nischal Chetanya Manchanda, Advocate
for the appellants.

Mr. Shivam Sharma, Advocate for
Mr. Johan Kumar, Advocate
For respondent No.2.

Mr. Paul S. Saini, Advocate
Ms. Simran Sharma, Advocate
For respondent No.3.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Faridabad (hereinafter 'the learned Tribunal'), vide Award dated 30.03.2009 passed in MVA No.185 dated 26.09.2006 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 3 claimants are the widow and two sons of deceased-Om Parkash, who was 60 years old at the time of accident.

2. It was the pleaded case of the appellants before the learned Tribunal that deceased Om Parkash had died due to the injuries suffered by



him in a motor vehicle accident that took place on 27.08.2006 due to the rash and negligent driving of Bus bearing registration No.HR-38-K-5040 (hereinafter the “offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. Upon appraisal of pleadings and oral & documentary evidence adduced by the parties, the Tribunal held that the claimants failed to prove that the accident was caused by respondent No.1; and had accordingly dismissed the Claim Petition.

3. Ld. counsel for the appellants assails the impugned Award by submitting that the Tribunal was in patent error in dismissing the Claim Petition. It is contended that the learned Tribunal could not have doubted the accident in question as an FIR No.390 dated 27.08.2006 was also lodged on the same day, in which the name of the driver and the registration number of the offending bus have been duly mentioned. It has also come on record that the Driver was facing trial. Moreover, in dismissing the Claim Petition, the learned Tribunal has also ignored the statement of eyewitness Yash Pal, who had submitted his Affidavit in Evidence (Ex.PW1/A) stating that he was following his father on a separate cycle and had witnessed the accident in question. In dismissing the claim petition the learned Tribunal has also ignored the evidence of RW1-Kanwar Chand, ASI who has mentioned that FIR No.390 dated 27.08.2006 was registered and he is Investigating Officer of the said case. It is further submitted that in a claim petition under the Act the claimants are only called upon to prove their case on the preponderance of probabilities and are not required to the strict proof as required in a criminal



matter. It is accordingly submitted that the claim petition has been wrongly dismissed by the Tribunal and therefore the impugned Award deserves to be set aside and full compensation be awarded to the claimants.

4. Per contra, learned counsel for the respondents No.2 & 3 oppose the submissions advanced on behalf of the appellants and submit that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

5. No other argument is made on behalf of the parties. 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.

6. It was the pleaded case of the appellants before the learned Tribunal as mentioned in Para 2 of the impugned Award that:-

"2. The facts as disclosed in the petition are that Yashpal and his father Om Parkash were going on their separate cycles to Radhaswami Satsang. They had reached Ajraunda chowk and were going towards Delhi when bus No. HR38K 5040 driven by respondent No.1 came at a high speed from Ballabgarh side' and hit the cycle of Om Parkash from behind. Om Parkash fell down and sustained injuries. Om Parkash was shifted to B.K. Hospital from where he was referred to Safdarjang Hospital. Since his condition was serious, his son took him to Sarvodaya Hospital the same day but Om Parkash died the next day. It was pleaded that Om Parkash was 60 years and used to earn Rs. 10,000/- per month as he used to supply tailoring material. Rs. 10,00,000/- as compensation has been claimed by his widow and two major sons."



7. The accident was allegedly witnessed by Yashpal/son of the deceased. However, from the facts and evidence on record, it is proved that Yashpal was not present at the site of accident. This is established from the fact that in the MLR it is recorded that the deceased had been brought to the hospital by unknown persons, namely, one Ajay and Devender whose addresses and details are borne in the MLR. In the column of name of patient, his parentage, caste and occupation etc., it is mentioned as 'unknown'. Needless to say, if Yashpal had been present at the spot he would have taken his father to the hospital; and his presence would have been recorded in the MLR; and Yashpal would also have provided the relevant information to the hospital. However, this is not so.

8. Furthermore, from the site plan (Ex.R1), it was proved that body was lying at point A which is in the middle of the road. This was so as it had come in evidence that there was a *satsang* and several persons were going on the road. The cycle of the deceased had also come in the middle of the road. It would thus appear that at the time of accident deceased-Om Parkash was crossing the road when he fell down. In any event no explanation has been given by learned counsel for the claimants for the same. The relevant findings of the learned Tribunal are contained in Para 14 of the impugned Award which read as follows:-

"14. The claimant has to prove that negligence of the driver. The fact that the driver is facing trial not enough. The claimant has to independently prove that the accident occurred in the



manner stated by him. Yash Pal stated that he was going with his father at the time of accident but his presence is not recorded in the hospital record. Om Parkash was taken to the hospital by Ajay Kumar and Devender. Their parentage, address are written. The name of the injured, his parentage, caste, address and occupation are written as unknown. The age by approximately is written as 70 years. The arrival in the hospital is 8.40 a.m., the examination lasted for five minutes and the patient was referred to Safdarjang Hospital for further management. The injured was not taken to Safdarjang Hospital, instead he was taken to Sarvodaya Hospital where the time of admission is mentioned as 10.03 a.m. Ex.P3 also does not show that the patient was accompanied by his son. The claimant could have examined the two persons whose name figure in the MLR. They were the best witnesses who could have deposed about the accident but they were not examined. The presence of Yash Pal is not shown in the MLR. If Yashpal was 10-15 paces behind his father, he would have taken his father to the hospital. There is no explanation. Presence of the bus on the road is not sufficient to prove the negligence of the driver. it is a case of no evidence. There is no eye witness. The statement of the Ahlmad and the FIR are not sufficient to hold that the accident was caused by Inderjit. It is held that the claimants have failed to prove that the accident was caused by respondent No. 1."

9. Learned counsel for the appellants has been unable to dispute the abovesaid factual position. Thus, appellants have been unable to prove



that the accident in question had taken place due to the rash and negligent driving of the offending vehicle by respondent no.1.

10. In view of the above, no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed**.

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

20.01.2026
Sunena

(NIDHI GUPTA)
JUDGE

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