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

FAO-1799-2010 (O&M)

Date of Decision : 10.02.2026

Shadi Lal

... Appellant(s)

Versus

Balvinder Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Gayatri Bakshi, Advocate for
Mr. Rakesh Bakshi, Advocate for the appellant.

Mr. Manmohan Saroop, Advocate and
Ms. Meenakshi Saroop, Advocate for respondent Nos.1 and 2.

Mr. R.N. Singal, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-8822-CII-2010

1. For the reasons mentioned therein, the application seeking condonation of delay of 460 days in refiling the appeal is allowed and the delay of 460 days in refiling the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellant challenging the impugned award dated 23.02.2008 passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'Tribunal') whereby the claim petition was dismissed.

3. Brief facts relevant to the present *lis* are that on 19.06.2004 Darshan Lal alongwith Sanjay Kumar was going to his house from his shop of STD and at about 05.00 pm when they reached the second gate of bus stand

Ladwa, a motorcycle bearing registration No.HR-07-F-9027, which was being driven by respondent No.1 rashly and negligently, struck against the deceased - Darshan Lal. As a result of which the deceased fell down and received injuries. He was taken to Civil Hospital, Ladwa. After four months of the accident, the deceased died on 05.10.2004.

4. Respondent Nos.1 and 2 appeared and filed a joint written statement denying the accident. Respondent No.3-Insurance Company also filed its written statement and also denied the accident having been taken place. It was further the stand taken that respondent No.1 was not holding a valid and effective driving licence at the time of the accident.

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

1. Whether the accident in question resulting into death of Darshan Lal was caused due to rash and negligent driving of motorcycle No.HR-07-F-9027 on the part of its driver i.e. respondent No.1, as alleged ? OPP
2. If issue No.1 is proved, to what amount of compensation, the claimant is entitled to and from whom ? OPP
3. Whether respondent No.1 was not holding a valid and effective driving licence at the time of alleged accident ? OPR
4. Whether claimant has no locus standi to file and maintain the present petition.
5. Relief.

6. The Tribunal vide the impugned award dated 23.02.2008 dismissed the claim petition on the ground that no medical record had been produced by the claimant-appellant though it had been averred that the deceased - Darshan Lal - was admitted in MM Medical College, Mulana on

08.09.2004 and was discharged on 10.09.2004. There was nothing on the record to show that the deceased was under treatment from CHC Ladwa or from MM Medical College Mulana between 19.06.2004 to 08.09.2004. Even the copy of MLR was not placed on the record. There was also no evidence qua the follow-up treatment from CHC Ladwa. It was further held that Darshan Lal had died on 05.10.2004 and even copy of the Post-mortem Report was not placed on the record. Aggrieved by the same, the present appeal has been preferred.

7. Learned counsel for the claimant-appellant would contend that the claimant-appellant is the brother of the deceased - Darshan Lal - who had incurred the entire expenditure for his treatment. It is further the contention of the learned counsel that Darshan Lal eventually died on 05.10.2004 because of the injuries received by him in the accident on 19.06.2004.

8. *Per contra* the learned counsel for the respondents would contend that there is not an iota of evidence qua the medical record of the deceased - Darshan Lal - and in the absence of the same, the claim petition was rightly dismissed.

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

10. In the present case the accident is stated to have taken place on 19.06.2004 and on the statement of the claimant-appellant the Police had recorded an FIR (Ex.P1). However, Darshan Lal died on 05.10.2004. During his lifetime he did not file any claim petition for the injuries having been sustained by him in the motor vehicular accident. The claimant-appellant herein failed to produce the medical treatment record from CHC Ladwa or from MM Medical College, Mulana. The claimant-appellant also failed to produce the copy of MLR or the record pertaining to the follow-up treatment.

There is not an iota of evidence on the record to co-relate the death of Darshan Lal to the accident which took place on 19.06.2004.

11. In view of the above, I do not find any merit in the present appeal and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

10.02.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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