

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****210****FAO-1974-2010(O&M)****Date of decision: 27.04.2026****Prem Chand @ Bunt****...Appellant(s)****Vs.****Narinder Singh & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Komal Bishnoi, Advocate for
Mr. Mukul Bura, Advocate
for the appellant.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant laying challenge to the Award dated 10.12.2009 passed by Motor Accident Claims Tribunal, Yamuna Nagar (hereinafter 'the learned Tribunal') whereby MACT Case No.228 dated 14.11.2006 filed by the appellant under Section 166 of Motor Vehicles Act (hereinafter "the Act"), has been dismissed.

2. The pleaded case of the appellant in the Claim Petition before the learned Tribunal as recorded in Para 2 of the Award is as follows: -

"2. As per the case set up in the petition, on 7.5.2006 the injured-claimant was coming from Jagadhri to his village Jagdhauli by travelling on motorcycle No.HR-02N-2073 which was being driven by his brother Ram Pal alias Munish at a normal speed. A Tata Sumo vehicle of white colour was going



ahead of their motorcycle towards Jagdhauli. At about 9.15 P.M. when they reached near the field of Randhir Singh on Kalawar-Jagadhri road, Ram Pal driver of the motorcycle had blown horn for taking the side to overtake the Tata Sumo. The driver gave side but when Ram Pal was in the process of overtaking the said Tata Sumo, the driver speeded up the Tata Sumo and started driving it in a rash and negligent manner; the driver had hit the front right side of Tata Sumo against the motorcycle of the claimant. As a result of the impact, they lost the control of the motorcycle which struck against a motoreycle No.HIR-02-8794 coming from Jagdhauli side. The motorcycle NO.HR-02-8794 was being driven by Randhir son of Roshan Lal. The claimant and his brother had suffered multiple injuries and fracture due to the accident. It is claimed that the accident took place due to rash and negligent driving of Tata Sumo by respondent No.1. The matter was reported to the police on the basis of which FIR No.90 dated 9.5.2006 was registered against the respondent No. 1 in Police Station, Chhappar.”

3. Upon appraisal of pleadings and oral & documentary evidence adduced by the parties, the learned Tribunal had found that:-

“25. Keeping in view the facts and circumstances as also discussion of evidence above, the claimant has failed to substantiate his claim. This induction of Tata Sumo No. HR-02C-2131 as the offending vehicle is nothing but a later input of non significance particularly when the Investigating Officer of this



case has not been produced. This issue is consequently held against the claimant.”

4. Consequentially, the Claim Petition came to be dismissed.

5. It is inter alia submitted by learned counsel for the appellant that the learned Tribunal was in error in dismissing the Claim Petition as it failed to appreciate that the appellant had duly proven on record that he had suffered injuries in the motor vehicle accident that took place on 07.05.2006 at about 9:15 pm due to the rash and negligent driving of the TATA Sumo bearing registration No.HR-02C-2131 (hereinafter referred to as “the offending vehicle”). It is submitted that prior to the accident, the appellant was working as a Mason. However, due to the injuries suffered by the appellant in the accident in question, the appellant is unable to work. It is contended that the present is a beneficial legislation and therefore, more lenient view ought to have been taken by the learned Tribunal. Moreover, the appellant had proved the rash and negligent driving of the said TATA Sumo by leading cogent evidence in this regard. However, the same has not been properly appreciated by the learned Tribunal. Therefore, the impugned Award suffers from material errors and cannot be sustained. It is accordingly prayed that the impugned Award be set aside.

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



7. Perusal of record of the case shows that the appellant miserably failed to prove that the accident dated 07.05.2006 had taken place due to the rash and negligent driving of the TATA Sumo i.e. the alleged offending vehicle by the respondent No.1. First and foremost, the appellant is unable to explain the delay of 2 days in registration of the FIR No.90 dated 09.05.2006 (Ex.P2), which was registered on the basis of statement made by Rampal @ Manish, the elder brother of the appellant. It is to be noted that despite the fact that the accident was witnessed by the appellant and Rampal, yet, in the FIR neither the number of the offending vehicle nor the name of respondent no.1 is mentioned. The appellant has failed to disclose the source of information as to how appellant subsequently discovered that the present alleged TATA Sumo was involved in the accident in question. Further, the appellant has failed to examine even the Investigating Officer of the said FIR No.90 dated 09.05.2006 (Ex.P2), who could have best described the circumstances in which the alleged offending vehicle was got involved in the accident dated 07.05.2006.

8. The contention of the appellant that Challan was filed against the respondent No.1, is not sufficient to establish rash and negligent driving of the alleged offending vehicle by respondent No.1. Admittedly, at the time of accident, neither the appellant nor Ram Pal had noticed the registration number of the offending vehicle. Thus, there was no material whatsoever on record to establish the involvement of the alleged offending vehicle. Mere



bald oral statement in this regard is not sufficient to show that TATA Sumo was involved in the accident.

9. Furthermore, the respondent No.1/driver of the TATA Sumo while deposing as RW1 has completely denied involvement of the said vehicle in the accident dated 07.05.2006. Rather, respondent No.1 has proved that the said TATA Sumo had developed a mechanical problem on 03.05.2006 and had remained in the Workshop till 11.05.2006 for overhauling of the engine. Respondent No.1 had examined RW2 Jaswinder Singh @ Polla who had deposed through his affidavit (Ex.RW2/A) that repairs were conducted on the TATA Sumo from 03.05.2006 to 11.05.2006. No evidence to controvert the above was led by the appellant side. Thus, the appellants were unable to prove the involvement of the offending vehicle in the accident dated 07.05.2006. Consequentially, the Claim Petition of the appellant has been rightly dismissed by the learned Tribunal.

10. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

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

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

27.04.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No