



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

117

FAO-1434-2015 (O&M)
Date of Decision: 19.03.2026

Kashmiri and others

....Appellants

V/s

Rohtash and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Ashish Gupta, Advocate, for the appellants.
Ms. Devika Kamboj, Advocate, for
Mr. Sukhdev Singla, Advocate, for respondents No.1 and 2
Mr. Akshay Sharma, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J. (ORAL)

The instant appeal assails the Award dated 16.12.2014 passed by the Motor Accidents Claims Tribunal (for short “the MACT”) vide which the claim petition preferred by the appellants/claimants (as LR of deceased Umershed) for the grant of compensation on account of death of Umershed in a motor vehicular accident which took place on 12.04.2014 was dismissed.

2. It was averred in the claim petition that on 12.04.2014, complainant along with Umershed went to the crusher zone to collect Rori (gravel). At about 5:00 a.m, complainant and Umershed alighted from the vehicle bearing Regn. No.HR-74-9516 (hereinafter referred to as “the offending vehicle”) while gravel was being loaded in the same. In the meantime, respondent No.1 started the offending vehicle and in a rash and negligent manner, reversed it, as a result of which, the same hit Umershed and the complainant. Due to the impact, Umershed fell down, and the tyre of

offending vehicle fell into the pits upon which the same turned turtle and

Umershed (hereinafter referred to as “the deceased”) got crushed under the gravel and died on the spot. A complaint in this regard was stated to have been made to the police by the complainant namely Azad. It had been recorded that at the time of accident, the complainant was unconscious due to the sudden death of Umershed, under the impact of which, the registration number of the offending vehicle had wrongly been mentioned by him in his statement as HR-74-9516 instead of HR-74-7678.

3. It has been averred that prior to accident, the deceased was healthy and was the sole bread earner of his family and the petitioners were totally dependent upon his income. The petitioners claimed to have spent Rs.1,00,000/- on the transportation and last rites of the deceased.

4. The claim petition was opposed by respondents No.1 and 2 through their written statement in which preliminary objections regarding maintainability, locus standi and concealment were made. All other averments were denied.

5. Respondent No.3 filed a separate written statement taking its usual defences and denied the factum of the accident.

6. The MACT dismissed the claim petition on the ground that the accident in question could not be proved and that there was nothing on record to show that the deceased Umershed had died because of the accident in question, leading to the filing of the present appeal.

7. I have heard learned counsel for the parties.

8. Learned counsel for the appellant submits that the MACT erred in rejecting the claim petition. He submits that the MACT proceedings are summary in nature and strict proof of evidence is not required as required in criminal cases. He submits, that in fact, the accident in question had been

respondent No.2 and that with regard to the same, the statement of PWs remains unchallenged and corroborated.

9. *Per contra*, learned counsel for respondent No.3-insurance company has opposed the submissions made by learned counsel for the appellants and has defended the impugned Award. He submits that the registration number that had been changed in view of the supplementary statement of the complainant, cannot be relied upon as the complainant in his cross-examination had stated that 10/15 persons were present at the time of the accident and so there can be no possibility of recording the registration number wrongly in the first instance.

10. I have considered the submissions made by learned counsel for the parties.

11. The accident in which Umershed unfortunately expired is stated to have taken place on 12.04.2014. The deceased was stated to have succumbed to the injuries caused due to the rash and negligent driving of the offending vehicle by its driver (respondent No.2). It has come on record that the complainant Azad had initially got mentioned the registration number of the offending vehicle as HR-74-9516. However, after five months of the said statement having been given, he suffered a supplementary statement, in which the registration number of the offending vehicle was stated to be HR-74-7678. The stand taken was that he was unconscious at the time when the initial statement was given. The said complainant in his cross-examination stated that he had not sustained any injury in the said accident. He also admitted that he had not brought any documentary record as regards his unconsciousness. It had also come on record during his cross-examination that there were 10/15 persons present at the time of the alleged accident and that he did not remember the names of the said persons. It is a

very unreasonable connotation of the complainant that he got mentioned the wrong registration number due to his unconsciousness since it is practically impossible to get any registration number mentioned/recorded whatsoever while a person is unconscious.

12. Under the circumstances, this Court is of the considered opinion that the subsequent vehicle was introduced on account of an afterthought and the MACT, therefore, did not commit any error in dismissing the claim petition.

13. That being so, finding no merit in the appeal, the same is dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

March 19, 2026

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No