



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

FAO-4958-2013 (O&M)

SUMITRA AND ORS.

.....Appellant

Vs.

AMRIK SINIGH & ORS.

.....Respondents

Reserved on:- 08.05.2026

Pronounced on:- 21.05.2026

Uploaded on:- 26.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ishan Cooner, Advocate
for Mr. Jagram Singh Cooner, Advocate
for the appellants.

Mr. Ramesh Sharma, Advocate
Ms. Nitin Sharma, Advocate
for respondent No.1.

Mr. G.S. Sawhney, Advocate
for respondent No.2.

Mr. Vipul Sharma, Advocate
Mr. Vikas Mohan Gupta, Advocate
for respondent No.3-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred for setting aside the award dated 10.07.2013 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Amritsar (for short, 'the Tribunal'), whereby, claim petition filed by the appellants/claimants, was dismissed.

**BRIEF FACTS OF THE CASE**

2. The brief facts of the case are that Dilbagh Singh son of Bachan Singh, resident of Guru Nanak Pura, Beas, district Amritsar, died in a motor accident on 2.4.2010 at about 1.30 p.m. near the Petrol Pump of Gurmej Singh at Beas on Amritsar to Beas Road. His occupation stated to be working as Contractor of iron bars binding. Monthly income of the deceased stated by the claimants as Rs. 11,000/- per month. Accident stated to have taken place on 2.4.2010 at about 1.30 p.m. near the Petrol Pump of Gurmej Singh at Beas on Amritsar to Beas Road, regarding which FIR No.60 dated 2.4.2011 under sections 304-A/279 of IPC has been got lodged at the Police Station, Beas, Amritsar. Claimants No.1 is the mother and claimant No.2 is the father of the deceased. Claimants No.3,4 and 5 are the minor sons of deceased and claimant No.6 is the widow of the deceased Dilbagh Singh. Accident stated to have been caused by the vehicle i.e. Canter bearing No. PB09-C-4574 which was being driven by respondent No.1. Respondent No.2 stated to be the owner of the offending canter No. PB09-C-4574, respondent No.3 stated to be the Insurance company with which the offending vehicle was insured. Description of the accident described that on 5.4.2010 deceased Dilbagh Singh was coming from Amritsar to Beas by driving Bajaj Scooter No.PB02-Y-9048. He was driving his scooter on the correct left hand side of the road at a normal speed. At about 1.30 p.m. when he reached near the petrol pump of Gurmej Singh at Beas on Amritsar to Beas road, in the mean time a canter bearing registration No. PB09-C-4574 being driven by respondent No.1 rashly and negligently came from opposite



side and hit the scooter of Dilbagh Singh and he fell down alongwith their scooter and run over under the wheels of the offending canter and died on the spot. on. The dead body of Dilbagh Singh was cremated without postmortem as it was badly crushed and the claimants were not having knowledge regarding requirements of postmortem report. The respondents No.1 and 2 were willing to settle the matter amicably by way of compromise and they requested not to involve the respondent No.1 in police case but the respondents No.1 and 2 did not pay even a single penny and postponed the matter either on one pretext or the other and ultimately on 1.4.2011 they refused to pay any amount of compensation and as such the police has registered FIR No.60 under section 304-A/279 IPC on 2.4.2011. The scooter was extensively damaged beyond repair. The accident took place on account of sole rash and negligent driving of canter No.PB09-C-4574 by respondent No.1 Amrik Singh. At the time of his death the deceased was aged about 32 years. He was working as a contractor for binding iron bars at the time of constructing buildings and earning Rs. 11,000/- per month. His income was increasing day by day. The claimants were solely dependent on the income of the deceased. The claimants have spent Rs.40,000/- on transportation of dead body, funeral and last rites of the deceased. This accident took place on account of sole rash and negligent driving of canter No.PB09-C-4574 by respondent No.1, owned by respondent No.2 and insured with respondent No.3. Thus, all the respondents are equally, jointly and severally liable to pay the amount of compensation along with interest and costs etc. On these lines, the petitioners stated that they are entitled to recover compensation



from the respondents to the tune of Rs. 30 lac alongwith interest @ 18% per annum from the date of accident till final realization and with costs.

3. Upon notice of the claim petition, the respondents appeared and filed their separate replies denying the factum of accident/compensation.

4. From the pleadings of the parties, the learned Tribunal framed the following issues:-

“1. Whether Dilbagh Singh son of Bachan Singh died on 2.4.2010 due to rash and negligent driving by respondent No.1 of vehicle i.e. canter bearing No.PB09-C-4574 as alleged ?OPP.

2. Whether claimants are entitled to compensation from the respondent, if so to what amount ?OPP

3. Whether the petition is not maintainable ?OPR.

4. Whether the respondent No.1 was having a valid and legal driving license and respondent No.2 has violated the terms and conditions of insurance policy? OPR.

5. Relief.”

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. Learned counsel for the appellants/claimants contends that the claim petition was dismissed solely on the ground that there was delay of one year in lodging of FIR. He furthermore contends that learned Tribunal has failed to appreciate that PW-2 eye-witness of the accident categorically explained the delay and attributed rash and negligence on the part of driver of the offending vehicle. He furthermore contends that claimants have



categorically deposed before the learned Tribunal that talks of compromise were going on between the parties. Therefore, he prays that the present appeal be allowed.

7. *Per contra*, learned counsel for respondents, however, vehemently argues on the lines of the award and submits that the claim petition has rightly been dismissed by the learned Tribunal. Therefore, they pray for dismissal of the appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Upon appreciation of the evidence on record, this Court finds no illegality or perversity in the findings recorded by the learned Tribunal. The claimants/appellants failed to establish, even on the touchstone of preponderance of probabilities, that deceased Dilbagh Singh died in the alleged accident caused by rash and negligent driving of canter No. PB-09-C-4574 by respondent No.1.

10. PW4 Bachan Singh, father of the deceased and author of the FIR, admittedly was not an eye-witness to the occurrence and his testimony was based upon information allegedly furnished by PW2 Amarjit Singh. However, the version given by PW4 before the Tribunal materially contradicted the contents of the FIR, particularly regarding the disclosure of the offending vehicle number and identity of the driver. These contradictions go to the root of the matter and render the version of the claimants/appellants doubtful.



11. The testimony of PW2 Amarjit Singh, projected as the eye-witness, also does not inspire confidence. Though, he claimed that the police had recorded his statement on the date of occurrence itself, no contemporaneous police record or other corroborative evidence was produced. Moreover, the FIR came to be lodged after an unexplained delay of about one year, which creates serious doubt regarding the genuineness of the occurrence and involvement of the alleged vehicle.

12. Further, no postmortem examination of the deceased was conducted and the plea that cremation was performed after obtaining permission from the SDM remained unsupported by any documentary evidence. Consequently, even the cause of death was not conclusively established.

Though strict rules of evidence are not applicable before the learned Tribunal, the claimants/appellants are nevertheless required to prove their case on the basis of credible and reliable evidence, which they have failed to do in the present case.

13. Accordingly, this Court concurs with the findings recorded by the learned Tribunal and finds no ground to interfere with the impugned award.

14. Consequently, the present appeal is hereby **dismissed** being devoid of any merit.

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

21.05.2026

Ayub/Sahil

(SUDEEPTI SHARMA)

JUDGE

Whether speaking/non-speaking : *Speaking*
Whether reportable : *Yes/No*