



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

FAO-9797-2014 (O&M)

Date of Decision: 16.03.2026

Phooli Devi and another

....Appellants

V/s

Lakhwinder Singh @ Lakhu and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Parul Arora, Advocate, for
Mr. S.K. Verma, Advocate, for the appellants.
Mr. Karan Singh, Advocate, for respondents No.1 and 2.
Mr. Pradeep Kumar, Advocate,
for respondent No.3-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

The appellants-claimants instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”), seeking compensation of Rs.15 lakhs on account of death of their son Raghbir Singh.

2. It was averred in the claim petition that on 26.07.2011, late at night, Jagdish Chander was going to his fields for irrigating the crops. At about 11:30 p.m., when he reached near the fields of his uncle Mahender Singh, he saw his cousin brother Raghbir Singh lying on the road. In the meanwhile, a tractor make Swaraj 744 (blue in colour) bearing Regn. No.HR-08-K-0473 (hereinafter referred to as “the offending vehicle”) being driven by its driver (respondent No.1-Lakhwinder Singh alias Lakhu) came at a high speed and in a rash and negligent manner from the side of Village Batta. Rear wheel of the offending vehicle went over the head of Raghbir Singh as a result of which, he expired on the spot. The accident is stated to

the offending vehicle is stated to have fled from the spot along with the offending vehicle.

3. FIR No.109, dated 27.07.2011 was registered under Sections 279, 304A IPC at Police Station Kalayat on the statement of one Jagdish Chander.

4. It was averred that the deceased (Raghubir Singh) was hale and hearty and was the sole bread winner of the family. He was claimed to be an agriculturist by profession, also running a dairy farming and earning Rs.15,000/- per month. Accordingly, Rs.15 lakhs was claimed as compensation.

5. Respondents No.1 and 2 opposed the claim petition. Apart from raising certain preliminary objections, all averments including the factum of the accident were denied.

6. Respondent No.3 i.e. Insurance Company of the offending vehicle also filed its separate written statement raising its usual defences. On merits, all averments including the factum of the accident were denied.

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

“1. Whether Raghubir Singh son of Hari Singh received injuries in a road side accident which allegedly took place on 27.07.2011 about 11:30 p.m. at village Kala Patti Kailram due to which he died at the spot, on account of rash and negligent driving of respondent No.1 while driving offending vehicle bearing No.HR08K-0473?OPP

2. If issue No.1 is proved in affirmative, what amount of compensation, the claimants are entitled to and from whom?OPP

3. Whether the petition is not maintainable in the present form?OPR-3

4. Whether the claimant has no locus-standi or cause of action to file the present petition?OPR-3

5. Relief.”

Parties led their respective evidence.

9. As regards the issue of negligence, the MACT came to the conclusion that the appellants had failed to prove that the accident had taken place due to the rash and negligent driving of the offending vehicle by its driver and dismissed the claim petition.

10. Aggrieved by the aforesaid decision, the claimants-appellants have instituted the present appeal.

11. I have heard learned counsel for the parties.

12. Learned counsel for the appellants has submitted that the view taken by the MACT is not sustainable. She submits that the MV Act is a welfare legislation aimed at coming to the succour of those in need on account of deaths/injuries in motor vehicular accidents. She submits that two witnesses had duly been examined by the claimants and the case of the claimants, therefore, duly stood proved.

13. *Per contra*, learned counsel for the respondents have submitted that there is no illegality in the impugned award. It has been argued that the author of the FIR was not examined. Still further, both witnesses, who were examined, admitted in their cross-examination that they were not witnesses to the accident. Learned counsel has submitted that under the circumstances, the view taken by the learned MACT is not liable to be interfered with.

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

15. The FIR was registered on the statement of one Jagdish Chander, who stated that on 26.07.2011 at about 11:30 p.m., when he had reached near the agricultural fields of his paternal uncle Mahender Singh, he saw his cousin Raghbir Singh son of Hari Ram lying on the road in an intoxicated state. When he went a little ahead of the said place, he saw that

the offending vehicle being driven by respondent No.1 came at a very high speed and in a rash and negligent manner and the said offending vehicle ran over its rear wheel over his cousin Raghbir Singh as a result of which, he expired on the spot. The said author did not step into the witness box. Further both witnesses, who stepped into the witness box i.e. Hari Ram, the father of the deceased as PW1 and Balbir, brother of the deceased as PW2, admitted that they were not eye witnesses. In any case, once the deceased was lying on the road in an intoxicated state at 11:30 p.m. at night, he having been run over by a tractor cannot be said to be an act of negligence on behalf of its driver. Still further, it was not proved that the said offending vehicle was being driven in a rash and negligent manner because, as stated earlier, neither the author of the FIR nor any eyewitness had stated so.

16. That being so, no fault can be found with the view taken by the MACT and finding no merit in the instant appeal, the same is dismissed.

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

(VIKRAM AGGARWAL)
JUDGE

March 16, 2026

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No