

2026:PHHC:01003



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

**Date of Decision: 22.01.2026**

**(1) FAO-1231-2017 (O&M)**

Santosh and others

....Appellants

Versus

Satvinder and others

....Respondents

**(2) FAO-8454-2017 (O&M)**

Mahendro Devi and others

....Appellants

Versus

Satvinder and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present:- Mr. Harsh Sharma, Advocate, for the appellants.

**VIKRAM AGGARWAL, J.**

This order shall dispose of the above titled two appeals, arising out of a common award dated 01.03.2016 passed by the Motor Accident Claims Tribunal, Kaithal (for short 'the MACT'), vide which the claim petitions filed by the claimants, were dismissed.

2. The facts, as emanating from the paper book(s), are that the claimants filed claim petitions under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act'), claiming compensation on account of death of Daya Chand and Roshan Lal.

3. It was pleaded that on 04.05.2014, Roshan Lal along with Daya Chand, Vipin and Om Parkash, were coming back from Ladwa to Kaithal in a car bearing Registration No.HR-08M-8944, which was being driven by respondent No.1-Satvinder, in a rash and negligent manner. The driver did not pay any heed to the repeated requests made by the occupants, including the deceased, to drive the said car at a slow speed. When they reached near village Barot, an unknown vehicle tried to overtake the car, in which the deceased and others were travelling, as a result of which respondent No.1 could not control the car and the same skid on a *kacha* portion of the road and turned turtle 2-3 times and went towards the northern side of the road. Roshan Lal and Daya Chand, having received multiple serious injuries, succumbed to the same. Police authorities were informed. A DDR was recorded, but no FIR was registered in view of the request made by the Panchayat of the Dhiman Community.

4. In the claim petition filed by Santosh and others (legal heirs of deceased Daya Chand), it was averred that at the time of the accident, Daya Chand, aged 45 years and a Mason by profession, was earning Rs.15,000/- per month. The claimants were totally dependent upon him. Accordingly, the claimants had claimed compensation of Rs.20,00,000/-. In the claim petition filed by Mahendro Devi and others (legal heirs of deceased Roshan Lal), it was claimed that Roshan Lal, aged 54 years at the time of accident, was working as a carpenter and earning Rs.20,000/- per month. The claimants were dependent

upon him and they had accordingly claimed compensation of Rs.25,00,000/-.

5. The claim petitions were opposed by respondents No.1 and 2, denying the manner of the accident as suggested by the claimants. Alternatively, it was asserted that if the MACT came to the conclusion that Vehicle No. HR-08M-8944 was involved in the accident, the said car being insured with respondent No.3-National Insurance Company Limited, the said respondent would be liable to pay the compensation. Respondent No.3-National Insurance Company filed its separate written statement averring therein that filing of the claim petitions, was the result of a collusive act between the claimants and respondent Nos. 1 and 2.

6. From the pleadings of the parties, following issues were framed:-

**1. Whether the claimants are entitled to compensation on account of death of Daya Chand son of Kishan Chand, resident of Kaithal in claim petition titled Santosh Devi etc. Vs. Stvinder & Ors. and Roshan Lal son of Kishan Chand, resident of Kaithal in Claim Petition titled as Mahendro Devi & Ors. Vs. Satvinder & Ors., in a road side vehicular accident which had occurred on 04.05.2014 at about 6.30/7.00 p.m. in the area of Police Station, Dhand on account of rash and negligent driving by respondent No.1, while driving the offending vehicle i.e. Car bearing registration No. HR-08M-8944?OPP**

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

**3. Whether the respondent No.1 was not holding a valid and effective Driving Licence and the car was being driven in violation of terms and conditions of the insurance policy at the time of accident? OPR-3**

**4. Relief.**

7. Parties led their respective evidence.

8. Vide award dated 01.03.2016, the MACT dismissed both the claim petitions, leading to the filing of the instant appeals.

9. I have heard learned counsel for the appellants.

10. Learned counsel for the appellants has submitted that the MACT erred in dismissing the claim petitions. He submits that PW3-Vipin was an eye witness and he had duly stated that the accident, as a result of which Daya Chand and Roshan Lal, expired had taken place on account of the rash and negligent driving of the car by its driver Satvinder (respondent No.1).

Learned counsel submits that the MACT wrongly placed reliance upon the DDR, which had been registered on the day of the accident itself on the statement of the said Vipin. He submits that at the relevant time, there was pressure from the Dhiman Community, as a result of which the said DDR had been got registered. He further submits that thereafter, an attempt was made to get an FIR registered, but the same was not registered by the police authorities.

Learned counsel further submits that in any case, it was for the MACT to weigh the evidence led before it and then to decide the case rather than dismissing the claim petitions on account of no FIR having been registered.

Learned counsel also submits that the MV Act is a beneficial legislation aimed at coming to succour of the family members of the persons, who lose their lives in motor vehicular accidents on account of the rash and negligent driving of a third party. He submits that under the circumstances, the MACT should have taken a pragmatic and compassionate view of the matter and ought to have allowed the claim petitions rather than dismissing the same on mere technicalities.

11. I have considered the submissions made by learned counsel for the appellants, but find the same to be devoid of merit.

12. No doubt, the MV Act is a beneficial legislation, but at the same time, it must be borne in mind that the claim petitions have to be decided on their own merits and non deserving claimants should not be paid any compensation.

13. The case set up by the claimants was that the car in which Daya Chand and Roshan Lal, were travelling, was being driven at a very high speed and in a rash and negligent manner by its driver and that the occupants of the car had repeatedly been telling him to slow down, but he did not pay any heed. Their further case was that when some unknown vehicle overtook the said car, respondent No.1 could not control the car, as a result of which it skid to a non metalled part of the

road and turned turtle 2-3 times and then went to the northern side of the road. However, the DDR registered on the same day on the statement of Vipin, who was also an occupant of the car and later appeared as PW3 with a changed version, clearly stated that when an unknown vehicle crossed the car, a stray animal came in front of the car and while saving the stray animal, the driver of the car lost balance and it turned turtle and then fell into a ditch. There was absolutely no mention of the car being driven at a very high speed or in a rash and negligent manner. Not only this, the DDR went to the extent of recording that as stated by Vipin, nobody was responsible for the accident and it was nobody's fault.

14. The version that the said statement recorded in the DDR, had been given under the pressure of the Dhiman Community, is not acceptable. The DDR was registered on the same day on which the accident took place. It is not understood as to when the pressure was exerted upon Vipin, when he gave a coloured version or when such pressure was exerted upon the police authorities by the Dhiman Community. There is no evidence to this effect and a mere oral version cannot be accepted.

15. The MACT recorded the following findings:-

**“18. However, in the instant case, even at the cost of repetition, I would like to point out that immediately after the accident, DDR was lodged at the instance of Vipin Kumar (PW-3), who pointed therein that on 04.05.2014, he alongwith his father Roshan Lal, his uncle Daya Chand @ Satto, his**

**maternal uncle Om Parkash son of Bhikhu Ram Dhiman resident of Devigarh Road, Shanti Nagar, Kaithal and Satwinder son of Ravi Parkash Dhiman, resident of Partap Gate, Kaithal were retruning back from Ladwa to Kaithal in car bearing No. HR-08M-8944, which was being driven by Satvinder, at about 06.30 PM, as they reached near Farm house of Ved Parkash in village Barot, an unknown vehicle tried to overtake then and suddenly a stray cow came in front of the car, while in the process of saving the animal, the driver of the car lost control as a result of which car turned turtle 2/3 times and fell in the nearby ditches resultantly he alongwith others in the car suffered injuries but unfortunately his father Roshan Lal and paternal uncle (Chacha) Daya Chand could not bear the brunt of injuries suffered by them and breathed their last in the hospital on the same day. He also pointed out that the accident occurred as the stray animal suddenly came in front of the car and the driver of their car lost control in the process of saving animal and that nobody is to be blamed and they do not want to initiate any action against anybody.**

**This version is totally missing in the claim petition as a matter of fact Vipin Kumar while appearing as PW-3, admitted that no stray cow/animal came in front of the car. It is his stand that an unknown vehicle was driving past them and tried to overtake their car and in the process the driver of car in which he, Roshan Lal & Daya Chand**

**alias Satto sons of Kishan Chand, Om Parkash son of Bhikhu Ram Dhiman resident of Devigarh Road, Shanti Nagar, Kaithal and Satwinder son of Ravi Parkash Dhiman, resident of Partap Gate, Kaithal were travelling, lost control and car slipped to unmetalled portion of road, car turned turtle 2-3 times, resulting in passengers sitting therein sustaining serious injuries and even two of them unfortunately later died. This also suggests that driver of the other vehicle, which over took them was driving the said vehicle at the faster pace than the driver of car bearing No. HR-08M-8944, which also falsifies the claim of respondent No. 1 driving the vehicle rashly and negligently.”**

16. If one considers the arguments addressed by learned counsel for the appellants and reconciles the same with the record and also considers the findings returned by the MACT, there remains no doubt in the mind of the Court that no error was committed by the MACT in dismissing the claim petitions.

17. In view of the above, finding no merit in the present appeals, the same are hereby dismissed.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

22.01.2026  
ds

Whether reasoned/speaking: Yes/No  
Whether reportable: Yes/No