



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 14.01.2026

FAO-218-2018(O&M)

Gurdeep Singh

...Appellant(s)

Vs.

Jarnail Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the appellant.

Mr. Rajneesh Malhotra, Advocate
for respondent No.3/Insurance Company.

NIDHI GUPTA, J.

Present appeal has been filed by injured-claimant against the Award dated 06.07.2017 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') in MACT Case No.37 dated 03.08.2016 filed under Section 166 read with Section 140 of the Motor Vehicles Act (hereinafter "the Act"), whereby Claim Petition of the appellant has been dismissed.

2. Perusal of order sheets shows that since the inception of the present appeal in the year 2018, none has appeared on behalf of the appellants despite notice. The above fact shows that the appellant has exhibited a casual attitude in his pursuit of the present litigation. It is to be



appreciated that very valuable public time of the Court is expended in affording multiple opportunities to the appellant in the interest of justice. On the other hand, the appellant has adopted an utterly casual and careless approach. Neither the appellant nor his counsel is seriously interested in pursuing the present matter. As such, the matter being of the year 2018, is being decided in the absence of learned counsel for the appellant.

3. It is submitted by Id. counsel for the respondent No.3/Insurance Company that the impugned Award suffers from no error as, admittedly, the claimant had been unable to prove that the accident in question had been caused due to the rash and negligent driving of the Car bearing registration No.PB-11-AG-2348 (hereinafter 'the offending vehicle'). It is submitted that therefore, the present appeal deserves to be dismissed.

4. I have heard learned counsel and perused the file in detail.

5. It was the pleaded case of the appellant before the learned Tribunal as recorded in Para 2 of the Award that:-

"2. In this claim petition, while providing the necessary particulars as required under the Motor Vehicles Act and the Rules thereunder, the petitioner inter-alia alleged that on 14.02.2015 at about 7.00 PM the claimant-injured along with his uncle were going from Bandrala to Assandh when they reached near Adarsh School, in the meanwhile, a car bearing registration no.PB-11- AG-2348 came from the Assand side and caused the present accident by driving his car in a rash and negligent manner without observing the rules of the road and



the respondent no.1 who was the driver of the said car at the time of accident is the only person who is responsible for causing the accident in question. Had the respondent no.1 a little bit careful and alert in driving the said car, the present accident could have been avoided and the health of the claimant would have been saved. The claimant-injured had sustained multiple injuries on his face, right arm, right leg and head. After causing the accident the respondent no.1 had run away from the spot, but the number of the car was recorded by some one. The matter was also reported to the police and a case was registered against the respondent no.1, who is now facing trial at Sub Divisional Courts at Assandh under Sections 279,337 and 338 of IPC.

With these submissions, the learned counsel for claimant prayed that an award of Rs.30.00 Lac along with interest @ 18% per annum from the date of accident till its realization be passed in favour of petitioner against respondents jointly and severally."

6. Record bears out that FIR (Ex.P49) was registered against an unknown person and unknown vehicle. However, on 08.01.2016 i.e. almost one year after the accident, which had taken place on 14.02.2015, the appellant had made a statement (Ex.R6) wherein name of respondent No.1 was mentioned and details of the offending vehicle were mentioned. Appellant was unable to disclose the source of the said information. It has also come on record that the appellant and the respondent No.1 are residents of the same village Bandrala, District Assandh. It would therefore



appear that the offending vehicle and respondent No.1 have been planted in the present case only with a view to get the compensation. Relevant findings of the learned Tribunal are as follows:-

“15. After hearing rival contentions of learned counsels for both parties coupled with the facts and circumstances of the case, it has been observed by this court that the FIR in this case was registered on the statement of PW2 Bhag Singh, who has stated in his cross-examination that it is correct that the alleged accident had occurred on 14.02.2015 and he got registered FIR on 20.02.2015. It is correct that the number of offending car is not mentioned in the FIR nor the name of the driver has been mentioned. It is correct that it was dark on the spot at about 7.00 PM. PW1 Gurdeep Singh claimant-injured has stated in his cross-examination that it is correct that he was going on his motor cycle bearing registration no.HR-40-A-7570 which is in the name of his father. One car bearing registration no.PB-11-AG-2348 hit him from the front side. He had become unconscious after the accident and he regained his consciousness at Daya Nand Medical College and Hospital, Ludhiana. He had regained his consciousness after one month and found himself in the hospital. He was admitted in the hospital at Ludhiana by his father on 18.02.2015 and was discharged on 28.03.2015.

Bare perusal of the evidence of the claimant-injured shows that it has been duly proved on the file that the injured-claimant Gurdeep Singh was discharged from the hospital on 28.03.2015. FIR was registered on 20.02.2015 on the statement of PW2 Bhag Singh. Statement of claimant-injured



Gurdeep Singh was recorded on 08.01.2016 wherein he has stated that on 14.02.2015 he along with his uncle Bhag Singh was going to Assandh on his motor cycle and when they reached near Badrala Road at about 7.00 PM, one car came from the side of Assandh which was being driven by some unknown person in rash and negligent manner and that car hit against his motor cycle and as a result, he fell down and sustained injuries on his person. His uncle Bhag Singh rushed him to Arvind Hospital, Karnal for his treatment. Thereafter, his family members rushed him to Daya Nand Medical College and Hospital, Ludhiana. He remained admitted there from 18.02.2015 to 28.03.2015. Later on it had come to his notice that the registration number of that Car was PB- 11-AG-2348 and he can identify the driver if he would come before him. His statement was also recorded by the police.

Bare perusal of the statement of claimant-injured Gurdeep Singh under Section 161 Cr.P.C shows that the registration number of the offending vehicle was narrated to him by any other person. But he has not clear this fact that as to who had informed this number to him. He was discharged from the hospital on 28.03.2015, but his statement was recorded on 08.01.2016 when the FIR was registered against some unknown person and unknown vehicle. It creates doubt in the story made by the claimant-injured. The delay caused in recording the registration number of the vehicle has not been properly explained by the claimant-injured..."

7. In the above circumstances, learned Tribunal has correctly held that the appellant was unable to prove "any negligence on the part of



respondent no.1 in causing the accident in question, therefore, the claimant-injured is not entitled for any compensation for the injuries suffered by him in the accident...”.

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

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

14.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No