



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-6082-2017 (O&M)

Date of decision: 29.01.2026

Rajesh Devi and others

...Appellant(s)

Vs.

Manjeet Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the appellants.

Mr. Punit Jain, Advocate for
respondent No.3-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Panipat (hereinafter referred to as 'the Tribunal'), vide Award dated 31.01.2017 passed in MACT Petition No. 34 dated 30.05.2015 filed under Sections 166 and 140 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 3 claimants are 44-year-old mother; 18-year-old brother; and married sister of the deceased Amit.

2. It was the pleaded case of the appellants before the Tribunal that deceased Amit had died due to the injuries suffered by him in a motor vehicular accident that took place on 10.01.2015 due to rash and negligent parking of the Container bearing registration No.HR-60C-1919 (hereinafter referred to as "the alleged offending vehicle") by respondent No.1; owned by respondent No.2; and insured by respondent No.3.



3. Learned Tribunal on the basis of pleadings and evidence adduced before it, concluded that the appellants “... *miserably failed in establishing on file that the above accident had occurred on account of negligent parking of the above container by the respondent No.1.*”

4. Perusal of the order sheets shows that after issuance of notice in the present appeal on 03.02.2020, matter has been casually pursued by learned counsel for the appellants who has put intermittent appearance in the case. As such, the matter being of the year 2017, the same is being disposed of in the absence of learned counsel for the appellants.

5. Perusal of the Grounds of Appeal reveals that the appellants have assailed the impugned Award on the ground that learned Tribunal has failed to appreciate the controversy between the parties and evidence led by the appellants. Learned Tribunal has totally discarded the statement of PW2. It has been contended that statement of Maneesh Sehgal holds no water as he categorically mentioned in his statement before the police that he has not witnessed the accident.

6. *Per contra*, learned counsel for respondent No.3-Insurance Company points out that the statement of alleged eyewitness PW2-Mintu is riddled with contradictions. Moreover, the said eyewitness has not been mentioned either in the challan, nor his statement been recorded under Section 161 CPC. Even the identity of respondent No.1-driver of the offending vehicle has not been properly established. In fact, in the FIR No.



18 dated 10.01.2015 under Sections 283 and 304A IPC registered at Police Station Samalkha, respondent No.1 has been acquitted.

7. It is accordingly prayed that the present Appeal be dismissed.
8. Heard. Perused.
9. The pleaded case of the appellants in the claim petition before the Tribunal as recorded in paras 2 and 3 of the Award is as follows:-

"2. It is the case of the claimants that One Maneesh Sehgal son of Satish Sehgal got recorded his statement with the police regarding the accident in question and as per his statement he is doing the work of transport at Meerut and having two vehicles (TATA ACE). On that day i.e. on 10.01.2015, he received a telephonic information that his vehicle bearing registration no.UP-15BT-0568 make TATA ACE had met with an accident at G.T. Road, Samalkha. On receipt of this information, he alongwith his father Satish Kumar reached at the spot where he came to know that an unknown driver of container bearing registration no.HR-60C-1919 had parked his vehicle without any indicator on the G.T.Road, due to which his vehicle struck with the said container and driver of his vehicle namely Amit son of Mahabir sustained multiple and grievous injuries in this accident and police shifted Amit to Civil Hospital for treatment, from where he was referred to PGIMS Rohtak and on the way, he died due to the injuries sustained by him in this accident. He has averred that the accident in question took place due to negligent parking of container bearing registration no.HR-60C-1919 without any indicator in the middle of the road by its driver. A case bearing FIR No.18 dated 10.01.2015, under Sections 283,



304-A of I.P.C. was registered with Police Station Samalkha, District Panipat.

3. It is the further case of the claimants that deceased Amit was 24 years and was an expert driver. He was doing the job of driver under Maneesh Sehgal and was earning Rs.20,000/- per month. All the claimants were fully dependent upon the income of the deceased and after the death of deceased, they have no other source of income. A sum of Rs.50,000/- approximately were incurred on transportation of dead body and funeral, last rites ceremonies. Petitioner no.1 Smt. Rajesh Devi is the mother, petitioner no.2 Sandeep is the brother and petitioner no.3 is the sister of deceased Amit. Hence, request is made to grant compensation amounting to Rs.25 lacs along with interest @ 18% per annum, on account of death of deceased Amit.” (Emphasis is mine.)

10. Perusal of the above facts reveals that the accident in question is stated to have taken place due to the negligent parking of the alleged offending vehicle in the middle of the road by an unknown person. FIR was registered on the basis of the statement made by Maneesh Sehgal son of Satish Sehgal, who was owner of the TATA Ace being driven by the deceased at the time of accident. However, the said Maneesh Sehgal has not been examined by the appellants before the learned Tribunal.

11. It has further been contended by the appellants that the accident was witnessed by PW2 Mintu son of Samay Singh. However, evidence of alleged eyewitness Mintu is doubtful as he is not named as eyewitness either in the FIR or in the challan presented by the police authorities, nor his statement has been recorded under Section 161 CPC.



12. Thirdly, identity of respondent No.1 has not been properly established as admittedly, FIR was registered against unknown person. In the criminal trial, learned sub-Divisional Judicial Magistrate, Samalkha has acquitted respondent No.1 with the following observations: -

11. The prosecution need to prove the identity of the accused beyond reasonable doubt in which the prosecution failed. Therefore, the identity of the accused is not proved. Moreover, the vehicle was parked wrongly and without any indicator is also not proved due to lack of evidence on the case file. In these circumstances, it is not clear as to how the identity of the accused was established by the prosecution."

13. Thus, except for the evidence of alleged eyewitness PW2, there is no evidence whatsoever on record to prove that offending vehicle was wrongly parked by respondent no.1. The appellants have led no credible evidence to prove their case. Even the statement of PW2 Mintu was not believed by the learned Tribunal as in his examination-in-chief, he has stated that he had witnessed the accident as he was running a Tea Stall near the place of accident. However, during cross-examination, PW2 had admitted that he had not brought any documentary proof regarding the said Tea Stall. PW2 had also admitted before the Tribunal that police have made no inquiries from him regarding the accident and even, he had not made any effort to contact the police in respect of the accident till date. PW2 also admitted that he had not disclosed regarding the accident to anyone till yesterday; and that the claimant No.1 had come to his house the day before for giving evidence in Court. Learned Tribunal has



therefore, correctly observed that if PW2 had not disclosed regarding the accident to anyone, then how did claimant No.1 approach PW2 and how did she come to know that he is witness of the accident or has knowledge of the same.

14. Furthermore, respondents No.1 and 2 had failed to appear before the learned Tribunal to contest the Claim Petition which further indicated collusion between the claimants and the said respondents. Moreover, it is the own admitted case of the appellants that the deceased had hit into the stationary Container. Thus, negligence on part of the deceased cannot be ruled out. No evidence was led to show that offending Container was parked without indicators on. In these circumstances, learned Tribunal has correctly held that claimants had failed to prove the involvement of the offending Container.

15. In view of the above, I find no ground is made out to interfere in the Award dated 31.01.2017. The present Appeal stands **dismissed**.

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

29.01.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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