



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4819-2018 (O&M)

Date of decision: 14.01.2026

Ved Pal & Others

...Appellant(s)

Vs.

Suresh Kumar & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Shubkarman Kumar, Advocate for
Mr. Manoj Kaushik, Advocate
for the appellants.

Ms. Tanu Bhatia, Advocate for
Mr. Sachin Ohri, Advocate
for respondent No.3.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Sonipat (hereinafter referred to as 'the Tribunal'), vide Award dated 01.03.2018 passed in MACP Petition No.267 dated 10.05.2017 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The three claimants are the 47-year-old husband, 19-year-old son and 17-year-old daughter of deceased Geeta, who was 42 years old at the time of accident.

2. The case as pleaded by the appellants in the Claim Petition before the learned Tribunal as recorded in para 2 and 3 of the impugned Award is as follows: -

"2. Curtly, the instant claim petition has been filed by the claimants, with the allegations that on 12.02.2017, near water tank in the area of village Sisana Sonipat, the respondent No.1 had driven his Scooty bearing registration No.HR-12W-8445,



hereinafter being referred as offending vehicle, in a rash and negligent manner. As per claimants while driving the above said Scooty in the above mentioned manner he had hit the motorcycle bearing registration No.HR-79-3745, on which Smt. Geeta, the deceased was travelling, and that due to the impact of that collision Smt. Geeta, the deceased, had suffered multiple injuries on her person including grievous injuries, and that such injuries proved to be fatal for her.

3. The claimants have alleged that at the time of her death, the age of deceased was 42 years and that she used to earn Rs.15,000/- per month by running milk dairy, besides rendering services to the family as a house-wife and that because of the accident in question, the claimant No.1 has suffered the loss of life of his wife, & the claimant Nos.2 & 3 of their mother. Hence the petition for award of compensation.”

3. Upon appraisal of the pleadings and the entire evidence, the Tribunal found that the *“claimants have failed to prove that accident in question was caused due to the rash and negligent of the offending vehicle by the respondent No.1.”* Hence, Claim Petition was dismissed.

4. Learned counsel for the appellants assails the said findings of the learned Tribunal by submitting that in dismissing the Claim Petition of the appellants, the learned Tribunal has failed to appreciate the evidence on record. It is contended that enough evidence was led by the appellants, which was quite sufficient as per law to grant a reasonable amount of compensation to the appellants. It is submitted that as the Claim Petition has been wrongly dismissed, the appellants should be granted a just amount of compensation.



5. It is contended that the Id. MACT has further not considered the evidence in it's entirety, especially because the approach of the Id. Tribunal regarding the non suffering of serious injuries by the driver/ rider of motorcycle (PW-1 Dalbir) is no legal cause to disbelieve the facts of the matter, especially when the PMR states that the injuries suffered by the deceased were caused by road accident.

6. It is further submitted that the Id. MACT has committed serious illegality & irregularities by ignoring and not appreciating the facts & circumstances of the case properly; because the accident happened on 12.02.2017 and the FIR was registered on the very same day; however the name of accused/ respondent no.1 was not mentioned in the FIR, but within a short period of 12 days from the incident, respondent no.1 approached the PW-1 (Dalbir) author of FIR & Motorcycle rider; requesting for a compromise and instead of settling the matter the complainant reported the matter to police and his supplementary statement was recorded immediately on 24.02.2017 and the name of accused/ respondent no.1 was inserted in the FIR and after a thorough investigation a final report u/s 173 CrPC was also submitted in the criminal court having jurisdiction. Hence the approach of the Id. tribunal regarding the anonymous FIR and non-believing the factum of accident is totally wrong and illegal; especially when the PMR & eyewitness account proves the accident & cause of death of Geeta to be the injuries suffered by her in a road accident.



7. It is accordingly prayed that the present appeal be allowed, and the impugned Award be reversed or modified.

8. No other argument is raised on behalf of the appellants. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the appellants.

9. It is undisputed fact on record that the motorcycle bearing registration No.HR-79-3745 on which the deceased was travelling, was being driven by Dalbir PW1; who was therefore eyewitness to the accident in question. FIR (Ex.P1) was registered on the statement of Dalbir. However, there is no explanation on the record as to why, if, Dalbir was eyewitness to the accident in question and deceased was travelling on the motorcycle being driven by him, then why was FIR registered against unknown person and unknown vehicle. PW1 has stated in his deposition that he had not disclosed registration number of the offending vehicle and name of the driver to the Police as he had become unconscious after the accident. However, contrary, as per the medical evidence on record, no injury is shown to have been suffered by the PW1, even though it has been claimed by PW1 that he had become unconscious after the accident. No evidence has been brought on record to show that he had suffered any injuries in the accident in question. Moreover, it had been alleged by the claimants' side that there had been a head-on collision with the offending motorcycle. If that were so, it was improbable that the driver of the vehicle on which the deceased was travelling, would not suffer any injury. However, no evidence



has been adduced by the claimants to show that any injuries were suffered by PW1 Dalbir.

10. It had also been alleged by the claimants' side that in the accident in question, the motorcycle bearing registration No.HR-79-3745 had been damaged. PW1 in his cross-examination has specifically deposed that the said motorcycle which was being driven by him, was damaged in the accident. However, as per the Mechanical Inspection Report (Ex.R15), no damage or even a scratch was found on the body of the said motorcycle; and all parts of the motorcycle were in proper condition. Learned counsel for the appellants has been unable to give any explanation for the same.

11. Furthermore, PW1 had made a Supplementary Statement dated 24.02.2017 (Mark A) on the basis of which respondent No.1 had been arrested. However, learned Tribunal has noted that the said Supplementary Statement (Mark A) was not reliable as the persons who had accompanied respondent No.1 for approaching PW1 for negotiations of compromise had not joined the investigation; nor were their names mentioned in the list of witnesses. Moreover, even in the Report under Section 173 Cr.P.C. it is recorded that the Investigating Officer had not independently verified the veracity of the Supplementary Statement (Mark A) made by the complainant. Rather the Investigating Officer had merely relied upon the version of PW1. Accordingly, the learned Tribunal had held that "*claimants have failed to prove that accident in question was caused due to the rash and negligent of the offending vehicle by the respondent No.1.*"



- 12. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.
- 13. In view of the above, no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed**.
- 14. 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