



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

102

**IOIN-1-FAO-10613-2018 in/and
FAO-10613-2018 (O&M)**

Date of decision: 16.04.2026

Sanjay Rani and others

...Appellant(s)

Vs.

Ajij Mohammad and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Abinashi Singh, Advocate
for the appellants.

NIDHI GUPTA, J.

IOIN-1-FAO-833-2010

Today, only the IOIN was listed as the case was listed on 10.07.2025 under "Special Drive-Mediation for the Nation" before a Coordinate Bench of this Court. The case was ordered to be referred to Mediation and Conciliation Centre for 21.07.2025, for awaiting report on 12.08.2025. However, the case file could not be sent on 12.08.2025 before the Coordinate Bench of this Court.

2. Keeping in view the above, IOIN stands disposed of. However, at request of learned counsel for the appellants, the main case is taken up for hearing today itself.

FAO-10613-2018 (O&M)

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Palwal (hereinafter referred to as 'the Tribunal'), vide Award dated 03.02.2018 passed in MACP

Case No. 224 dated 10.08.2015 filed under Section 166/140 of the Motor



Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 3 claimants are the 22-year-old widow; minor daughter; and mother of the deceased Bishan, who was 32 years old at the time of accident.

2. It is the pleaded case of the appellants before the learned Tribunal that the deceased Bishan had died due to the injuries suffered by him in a Motor Vehicular accident on 09.12.2014 which had taken place due to rash and negligent driving of the Truck bearing registration No. HR-47B-7774 (hereinafter referred to as "offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. Vide impugned Award, Claim Petition has been dismissed by the learned Tribunal holding that claimants have failed to establish "*.....even with slightest of preponderance of probabilities that the offending vehicle involved was a truck bearing registration No. HR-47B/774 which was being driven in a rash and negligent manner by respondent no.1. Consequently, issue no.1 is decided against the claimants/petitioners.*"

3. It is *inter alia* submitted by learned counsel for the appellants that learned Tribunal was in error in not awarding compensation to the appellants as it failed to appreciate that appellants had produced eyewitness Vikas as PW4, who had duly proved that the accident had transpired due to the rash and negligent driving of the offending vehicle. Vikas was pillion rider behind the deceased at the time of accident. As such, being witness, evidence of Vikas was sterling evidence and could not have been discarded by the learned Tribunal on spurious grounds.



4. It is submitted that the learned Tribunal also ought to have appreciated that after the accident, Vikas was under shock of the incident and, therefore, inadvertently instead of mentioning the number of the offending Truck, he had mentioned number of Car, which had been stopped after the accident. However, learned Tribunal has ignored the fact that the very next day of the accident, Vikas himself has deposed to the Investigating Officer about the Truck.

5. It is further submitted that Rattan Singh PW3 and Mann Singh, who are not relatives to the deceased or eyewitness Vikas, have also tendered statements to the effect that accident had been caused by the rash and negligent driving of the offending Truck.

6. It is accordingly prayed that the present Appeal be allowed; and the impugned Award be set aside.

7. 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.

8. The record reveals that the pleaded case of the appellants in the Claim Petition as recorded by the learned Tribunal in para 2 of the impugned Award, is as under: -

“On 09/12/2014 deceased Bishan along with Vikas was returning from village Dhatir to his village Durgapur on motorcycle number HR-30 J-2128 being driven by the deceased and Vikas was pillion rider. When they reached Nangola village at around 7:30 PM a vehicle coming from opposite side had hit the motorcycle due to which the riders of motorcycle had fallen down on the road. A car number HR 26DD-3626 stopped for a



moment and went away immediately towards Sohna road. The deceased with help of people who had gathered there was shifted to Government Hospital Palwal and Police reached Hospital Palwal after sometime and where statement of Vikas was recorded. It is case of claimants that under a wrong impression in the FIR offending vehicle was shown to be car bearing number HR 26 DD 3626. It is claimed actually the car driver had stopped on the spot to see the impact of accident and they had seen offending vehicle truck hitting the motorcycle so the occupants of the car started following the truck. They chased the truck to some distance and were able to stop the truck bearing number HR 47 B7774. The name of driver was disclosed as Ajij Mohd. However the driver of offending vehicle was able to escape from the spot. It is pleaded that respondent No. 1 was driver of the offending vehicle and was alone responsible for the accident caused by his rash and negligent driving.”

9. In respect of the accident dated 09.12.2014 which had taken place at 7:30 p.m., an FIR No. 633 dated 09.12.2014 (Ex.P1) was registered at 10 PM under Sections 279, 304A IPC at Police Station City Palwal, on the basis of the statement made by Vikas, pillion rider/eyewitness. Vikas is the cousin brother of the deceased Bishan. Admittedly, in the FIR, Vikas has mentioned that a Swift Dzire Car bearing Registration No. HR-26-DD-3626 in which Rattan Singh and Mann Singh, were riding, had caused the accident in question. However subsequently, Vikas has changed his statement to mention that accident had been caused by the offending Truck. It is my view that as the FIR had been registered within 2 1/2 hours of the accident in



question, the first statement made by Vikas implicating the Swift Dzire Car cannot be casually rejected. Even otherwise, no cogent explanation has been furnished by the claimant side for subsequent change in stance; there by now implicating the offending truck.

10. Contention of the claimants' side that Vikas was very much disturbed at the time of accident and, therefore, was unable to identify the same, is rejected. Needless to say, even any layperson cannot be confused between Swift Dzire Car and Truck. It has also come on record that in the accident in question, as per testimony of Vikas himself, he had suffered only superficial injuries. Therefore, the above contention of Vikas, also does not inspire belief. Thus, the version put forth by the claimants' side, had been rightly discarded by the learned Tribunal on the reasoning that it defies logic that Vikas being pillion rider, could not identify the offending vehicle which had hit the motorcycle from the front.

11. Furthermore, there are material discrepancies in the case set up by the claimant side. Rattan Singh, occupant of the said Swift Dzire Car, while appearing as PW3, has deposed that it was Truck, who has struck into the motorcycle of the deceased. PW3 has stated that he had come out of the Car and stopped on the spot of the accident for about 1 and ½ minutes. He had even noted down the number of Truck on a piece of paper. However, admittedly, the said piece of paper was not handed over to the Police. No reason has been given by the claimant side as to why the said piece of paper was not handed over to the police. PW3 has also deposed that on the same day, he had informed the family members of the deceased



regarding the details of the offending vehicle. Needless to say, if this was so, then no explanation is given by Vikas as to why incorrect offending vehicle was mentioned in the FIR. PW3 has also claimed that he had chased the offending Truck for about 2 Kms; whereafter it was caught and many persons had gathered there from nearby place, but Police was not called. Clearly, therefore, there are glaring loopholes in the case set up by the claimants.

12. The learned Tribunal has rightly noted more discrepancies in the case set up by the claimants as follows: -

“15.....An important discrepancy that can be picked up between the statement of Vikas, pillion rider complainant, and the alleged occupant of car PW3 Rattan Singh is that Vikash deposed in his cross-examination that there was no street light on the road where the accident occurred and no one has stepped out of the car to see them. He mentions that he had not seen the persons who were in the car. Conduct of the occupant of the car is also of not reasonable as they claimed that they had stopped the offending vehicle at distance of 2 km and around 20 villagers were present but the driver of the offending vehicle was able to escape with the truck itself and they had returned to their homes instead of informing the police immediately although explanation is narrated that the family of deceased was informed same day of the incident but as such the claim of petitioners is that next day these occupants had informed the police.”

13. Last but not the least, what clinches the issue is that FIR No. 633 dated 09.12.2014 was registered against respondent No.1 on the



statement made by Vikas. In the said FIR, Respondent No.1 has been acquitted by the learned Chief Judicial Magistrate, Palwal vide judgment dated 21.08.2018 on account of the following reasoning: -

"14.....the present case the criminal law was set into motion on the statement of PW6 Vikash Rawat. In his statement, he has stated that he and his cousin Bishan were coming on motorcycle and a car driver driving his car at high speed, rashly and negligently hit their motorcycle. The number of the offending vehicle was Swift Dezire no. HR-26-DD-3626. However while appearing as PW6, he has made improvements in further. He has further deposed that at the time of accident, he was in shock and car no. HR-26-DD-3626 stopped there. One truck was coming ahead which caused accident. The car driver got the same stopped and told the number of truck HR-47-B-7774 and the driver of the same told his name as Aziz Mohd. Ratan Singh while appearing as PW3 has deposed that the truck no. HR-47-B-7774 while overtaking their vehicle rashly and negligently hit, two boys on a motorcycle and they stopped there and saw that there was lot of people. They followed the truck and after getting same stopped at Ghughera and driver told his name as Aziz Mohd.

15. Thus the statement of the complainant Vikash in the examination-in-chief are absolutely contrary. Ratan Singh while appearing as PW3 has deposed that the truck no. HR-47-B-7774 while overtaking there vehicle rashly and negligently hit two boys on a motorcycle and they stopped there and saw that there was lot of people they followed the truck and getting same stopped at Ghughera and driver told his name as Aziz Mohd. However there is nothing on record to suggest that said Aziz Mohd. was caught hold of just after the accident by Ratan Singh and others. In fact PW3 Ratan Singh was the prime

accused in view of the complaint Ex.PW6/A. This court fails to understand as to how did the police made the driver of the Swift Dezire Car mentioned in the complaint as one of the prime witness in the present case. As per the complainant he was pillion rider of the motorcycle and did not suffer injuries. He has specifically stated that number of Swift Dezire Car in his statement to the police. ...”

14. Accordingly, learned Chief Judicial Magistrate, Palwal had held that there is serious doubt about not only identity of offending vehicle but also of the person who was driving the same. Consequentially, respondent No.1 came to be acquitted.
15. From the facts noted above, it is clear that the claimants have set up a discrepant case filled with loopholes. It appears that the claims are only attempting to implicate the offending truck with a view to procuring the compensation.
16. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.
17. In view of the above, present appeal stands **dismissed**.
18. Pending application(s) if any also stand(s) disposed of.

16.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No