

2026:PHHC:024070



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

FAO-1321-2020 (O&M)
Date of Decision: 17.02.2026

KSHAMA AND ANOTHER

....Appellants

Versus

SHAD MOHAMMAD AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Aditya Jain, Advocate
Mr. Rajat Singla, Advocate
for the appellants.

Parmod Goyal, J. (Oral)

CM-3601-CII-2020

The present application has been filed for condonation of delay of 3 days in refiling the present appeal.

In view of the averments made in the application, the same is allowed.

Application stands disposed of.

Main Case

Appellants/claimants are aggrieved by dismissal of their claim petition vide impugned award dated 16.12.2019 passed by learned Motor Accident Claims Tribunal, Palwal (hereinafter referred to as 'Tribunal').

2. Appellants/claimants i.e. wife, minor child, parents, sisters and grandfather of deceased-Mahavir (hereinafter referred to as 'deceased') had sought compensation on account of his death in motor vehicular accident

dated 18.11.2015 caused by respondent No.1 due to rash and negligent driving while driving tractor bearing No.HR-28C-2402.

3. The case of appellants/claimants is that on 18.11.2015, at about 7:30 PM one Birender @ Bunty along with deceased were going on their motorcycle bearing No.HR-50D-2462 for watering the fields. The motorcycle was being driven by deceased. He was wearing helmet and was driving the motorcycle at a moderate speed with Birender @ Bunty as pillion rider. When they were returning after watering the fields and reached near Vishnu Rice Mill, Punhana Turn, Hodal, the offending tractor being driven by respondent No.1 rashly and negligently at high speed without following traffic rules and rammed into the motorcycle of deceased. Resultantly, deceased and Birender @ Bunty both fell on the road and suffered multiple injuries. The driver of offending vehicle ran away after leaving the tractor on the spot. Deceased was shifted to hospital, however, he died on his way to hospital.

4. It was claimed that FIR No.627 dated 19.11.2015 under Sections 279 and 304A of IPC was got registered on the statement of Birender @ Bunty who was accompanying deceased at the time of accident. Appellants/claimants have accordingly sought compensation of Rs.50,00,000/- on account of death of Mahavir.

5. Upon notice, respondents appeared and denied their liability as well as involvement in the accident.

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

1. Whether the accident in question resulting into the death of Mahavir took place due to rash and negligent driving of dumper bearing registration No.HR-28-2402 driven by respondent No.1? OPP

2. If issue No.1 is proved, whether the petitioners are entitled to compensation, if so, how much and from whom? OPP
3. Whether the respondent No.1 was not holding a valid and effective driving licence to drive the offending vehicle on the date of accident? OPR3
4. Whether the respondent No.2 has violated the terms and conditions of the insurance policy, if so, its effect? OPR3
5. Relief.

7. Learned Tribunal after considering the evidence led by parties concluded that appellants/claimants have failed to prove that accident was result of rash and negligent driving of respondent No.1 while driving tractor No.HR-28C-2402 and had disbelieved involvement of tractor as being asserted by claimants. Learned Tribunal has justified its finding on issue No.1 on the following grounds :-

- That no justification is forthcoming from appellants/claimants as to why vehicle number which was stated to have caused the accident was changed. It was noted that at the time of lodging of FIR, the offending vehicle was stated to be bearing registration No.HR-76-3488. It was further noticed that as per author of FIR the offending vehicle was abandoned by its driver at the spot after the accident. However, despite these facts, on the supplementary statement made by Birender @ Bunty on 15.01.2016, i.e. two months after the accident, the vehicle number was changed from HR-76-3488 to HR-28C-2402 without giving any reasons for such change and delay caused in disclosing the said fact.
- Learned Tribunal has further noticed that none of the investigating officers i.e. investigating officer who had investigated the case when offending vehicle was stated to be HR-76-3488 and investigating officer who had investigated the case after number of offending vehicle was changed to HR-28C-2402, were examined before the Court.
- Learned Tribunal further noticed that respondent No.1 stands

acquitted as complainant Birender @ Bunty had turned hostile before the Criminal Court.

- It had also taken note of the fact that during investigation initially tractor bearing No.HR-76-3488 was duly taken into police possession and said vehicle was stated to have been recovered from site on 19.11.2015 i.e. on the next day of accident.
- It was also noted that appellants/claimants had earlier filed a claim petition which was withdrawn by them on the ground that deceased was murdered by appellant/claimant No.1 with the help of complainant Birender @ Bunty and her father Mahi Pal. Police investigation was held after directions given by this Court in CRM-M No.47707 of 2018 decided on 07.01.2019. However, police had also found occurrence on account of accident and not result of any criminal intention.

8. Learned Tribunal after noting above reasons came to the conclusion that involvement of vehicle bearing No.HR-28C-2402 as pleaded by appellants/claimants is not made out. There is no justification for replacing the vehicle number after two months of the accident. Neither the delay nor reasons for changing the number of offending vehicle have been disclosed.

9. On consideration, I find that conclusion drawn by learned Tribunal cannot be faulted with. The evidence led by both the parties was duly considered and learned Tribunal had come to the right conclusion. Admittedly, at the time of lodging of FIR vehicle number was mentioned as HR-76-3488. It was also mentioned that offending vehicle was abandoned on the spot by its driver after the accident. Furthermore, said vehicle was seized from the spot on 19.11.2015 i.e. on the next day of occurrence. Subsequently, after two months, i.e. on 15.01.2016 the eye witness of accident namely Birender @ Bunty made a supplementary statement wherein he had disclosed vehicle number to be HR-28C-2402 instead of HR-

76-3488. No reasons were given for such change of vehicle number. Delay of approximately two months has not been explained. The conduct of Birender @ Bunty again is not over board. He has not only changed his statement but was also accused of murdering the deceased by the appellants/claimants themselves.

10. If all these facts as noticed by learned Tribunal are taken, the conclusion that vehicle No.HR-28C-2402 was not involved in the accident cannot be faulted with. In view of above, appeal is without any merit. Appeal stands dismissed.

11. Pending application(s), if any, is/are disposed of accordingly.

17.02.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No