



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

**FAO-442-2001(O&M)
Date of Order:-16.07.2025**

Mohinder Singh

...Appellant

Versus

Surinder Singh (since deceased) through his LR and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. M.S. Dhami, Advocate
for the appellant.

Mr. Purusharth Dhul, Advocate,
Mr. Tushar, Advocate for
Mr. Rajinder Goel, Advocate
for respondent No.1.

None for respondent No.2.

Mr. Vinod Gupta, Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. Aggrieved by award dated 02.05.2000 passed by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rupnagar, claimant/appellant has approached this Court by way of instant appeal.



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2. Mr. M.S. Dhami, counsel for the appellant submits that the claimant, who was 43 years old, was travelling on a motorcycle on 15.07.1998. A Swaraj Mazda bearing No.PB-12-B-1204, which was being rashly driven by respondent No.1 collided with the motorcycle and the claimant sustained grievous injuries. Counsel submits that a petition under Section 166 of the Motor Vehicles Act, 1988 (for brevity hereinafter referred to as “MV Act”) was instituted claiming compensation of Rs.10 lakhs, but it has been declined by the Tribunal vide the impugned award, holding that accident had not taken place with the offending vehicle, which has been falsely implicated. Counsel asserts that an FIR bearing No.95 was registered on 19.07.1998 under Section 279 and 338 IPC at Police Station Kharar and after the conclusion of the trial, respondent No.1 has been convicted by the learned Judicial Magistrate Ist Class, Kharar vide judgment dated 16.02.2004 (Annexure A1). It is his contention that the factum of the registration of the FIR and the conviction of respondent No.1 establishes that an accident had taken place with the offending vehicle. He urges that by way of an application for additional evidence (CM-19671-CII-2024), which is pending, claimant is seeking permission to produce the certified copy of the judgment dated 16.02.2004, Annexure A1. Notice of the application was issued to the respondents, however, they have not filed any response.

3. Counsel for the respondents have, however, opposed the application and have submitted that FIR was registered on the basis of the statement the claimant and the findings recorded by the criminal Court are not binding on the Tribunal.



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4. Having heard counsel for the parties, this Court is of the view that the prayer in the application (CM-19671-CII-2024) deserves to be acceded to. The vital issue that requires adjudication is as to whether the accident had taken place as a result of rash and negligent driving of respondent No.1. It is not disputed that a criminal case was registered which culminated in the conviction of respondent. Judgment, Annexure A1, has a direct bearing on the determination of this material issue. As Annexure P1, was passed post the decision of the claim petition, Tribunal did not have the benefit of the judgment, which is necessary to arrive at a just decision. Order 41 Rule 27 (1) (b) CPC enables the Appellate Court to admit in evidence any document, which is required for doing substantial justice between the parties. Accordingly, while accepting the application (CM-19671-CII-2024) and permitting the production of the judgment, Annexure A1, by way of additional evidence, this Court is of the opinion that claim petition has to be adjudicated afresh by the Tribunal.

5. For the foregoing reason, impugned award dated 02.05.2000, passed by the Tribunal dismissing the claim petition is set aside. Matter is remitted to the Tribunal to decide the claim petition again after consideration of the judgment, Annexure A1, as well as affording opportunity to both the parties to adduce any additional evidence, in case they intend to do so.

6. Appeal is disposed of.

7. Parties are directed to appear before the Tribunal on



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12.08.2025 for further proceedings in accordance with law.

16.07.2025

(SUVIR SEHGAL)
JUDGE

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No