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

FAO-6570-2012 (O&M)

Date of Decision : 11.08.2025

Neelam & Ors ... Appellant(s)

Versus

Binder & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ram Pal Verma, Advocate for the appellants.

Mr. Nitish Kumar, Advocate for

Mr. J.S. Saneta, Advocate for respondent Nos.1 and 2.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants challenging the impugned award dated 28.04.2012 passed by the Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as 'Tribunal') whereby the claim petition filed by the claimant-appellants has been dismissed. The parties are being referred to as the claimants, owner, driver and the Insurance Company for the sake of clarity.

2. Brief facts relevant to the present *lis* are that the claimants herein filed a claim petition stating therein that on 25.02.2011 when Mahabir (deceased) was coming back home and reached near the village Hasanpur, GT Road, Sonipat at about 07.30 pm, a car bearing registration No.HR-06R-9586 being driven by the driver at a high speed, rashly and negligently, came from Panipat side and struck against the deceased who was standing by the side of GT Road. It was further averred that the son of

the deceased (appellant No.2 herein) was present in a school near the place of accident and on hearing a noise he came out and saw that the deceased was lying on the road. It was further stated that the driver had admitted that he caused accident, however, he fled from the spot.

3. On notice the driver and owner of the offending vehicle filed a detailed written statement taking various preliminary objections. The factum of the accident was denied, and it was pleaded to be a case of false implication. The Insurance Company (respondent No.3 herein) was proceeded against *ex parte*.

4. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether death of deceased Mahavir was caused on account of motor vehicular accident dated 25.02.2011 caused by respondent No. 1 by his rash and negligent driving while driving offending vehicle No. HR-06R-9586 ? OPP
2. If issue No. 1 is decided in favour of petitioners, whether the petitioners are entitled to claim amount as claimed in the claim petition and from whom ? OPP
3. Whether the petition is not maintainable in the present form ? OPR
4. Whether the petitioners have got no locus standi to file the present petition ? OPR
5. Whether no cause of action has arisen to the petitioner to file the present petition ? OPR
6. Relief.

5. The Tribunal vide the impugned award dated 28.04.2012 dismissed the claim petition. Aggrieved by the same, the present appeal has been preferred by the claimants.

6. Learned counsel for the appellants would contend that the son of the deceased came to the spot and the driver of the offending vehicle admitted having caused the accident, however, he later fled away from the spot.

7. *Per contra* the learned counsel for the respondents would contend that in the present case the owner of the offending vehicle had given a complaint to the National Highway Authority of India regarding false implication. Learned counsel for the respondents would further refer to the statement of Harish Gandhi i.e. owner of the alleged offending vehicle, wherein he has categorically stated that when he was crossing Sukh Dev Dhaba near Murthal, he saw that a lot of people had collected on the road and that the deceased was lying on the road who at that point of time was alive and was crying due to the injuries. On humanitarian grounds the owner of the offending vehicle picked him up and took him to the hospital. Learned counsel for the respondents have further referred to the cross-examination of the said witness wherein not even a suggestion has been put to the said witness that he did not take the deceased to the hospital as stated.

8. I have heard the learned counsel for the parties.

9. In the present case the son of the deceased himself admitted that he was not present at the time of the accident. The issue is regarding the false involvement of the offending vehicle. The owner of the offending vehicle, namely, Harish Gandhi, had stepped into the witness box as RW2 and has stated in his affidavit filed in examination-in-chief (RW2/A) that he

had taken the deceased to the hospital on humanitarian grounds when he saw him lying on the road. In his cross-examination, not even a suggestion has been put to the said witness that he was stating falsely or that he had not taken the deceased to the hospital. Further still, the learned counsel for the respondents have placed on record the judgment passed by the Court of Karuna Sharma, Judicial Magistrate First Class, Sonapat wherein it has been noticed that the son of the deceased, namely, Naveen (appellant No.2 herein) had turned hostile and stated that he could not identify the accused.

10. In view of the above, no fault can be found with the findings returned by the Tribunal. I do not find any merit in the present appeal and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

11.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO