



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 26.03.2025

Ram Parkash (since deceased) through LRs
...Appellant(s)

FAO-6306-2019 (O&M)

Vs.

Heena Manchanda and Others
...Respondent(s)

Ram Parkash (since deceased) through LRs
...Appellant(s)

FAO-6468-2019 (O&M)

Vs.

Heena Manchanda and Others
...Respondent(s)

FAO-6625-2019(O&M)

Harinder Singh
...Appellant(s)

FAO-6625-2019(O&M)

Vs.

Heena Manchanda and Others
...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

**Present:- Mr. Kartar Singh, Advocate
 for the appellant(s).**

NIDHI GUPTA, J.

FAO-6306-2019:

The present FAO-6306-2019 has been filed by the
claimant Ram Parkash (died during pendency of claim petition) through



LRs against Award dated 04.07.2019 whereby claim petition No.56 dated 10.03.2015 filed by the appellant, was dismissed by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as “the Tribunal”). The claim petition was filed by the appellant seeking compensation to the tune of ₹ 10 lacs for injuries suffered by him in an accident that took place on 20.04.2014 on account of alleged rash and negligent driving of Alto car bearing registration No.HR-19D-6226 (here in after referred to as the offending vehicle), by Albel Singh (now deceased). The said Alto car was insured by respondent No.7 herein.

FAO-6468-2019:

The present FAO-6468-2019 has been filed by the claimant Ram Parkash (died during pendency of claim petition) through LR against Award dated 04.07.2019 passed by the Id. Tribunal whereby claim petition No.57 dated 10.03.2015 filed by the claimant under Section 166 of the Motor Vehicles Act for grant of compensation to the tune of ₹4 lacs for damage caused to Maruti Swift Dzire Car bearing registration No.HR-21D-6111, an accident dated 20.4.2014, has been dismissed.

FAO-6625-2019:

The present FAO-6625-2019 has been filed by the claimant Harinder Singh son of Ram Parkash against Award dated 04.07.2019 passed by the learned Tribunal whereby claim petition No.58 dated 10.03.2015 filed by the claimant under Section 166 of the Motor Vehicles Act for grant of compensation to the tune of ₹5 lacs for injuries



suffered by the appellant Harinder Singh in accident dated 20.04.2014 due to rash and negligent driving of the offending vehicle, has been dismissed.

2. All the above said appeals are being disposed of by this common order as they arise out of the same common impugned Award dated 04.07.2019, passed between same parties, in respect of the same accident dated 20.04.2014; and because the facts, issues and parties involved in these cases are identical. For the sake of facility, facts are being drawn from FAO-6306-2019.

3. In the present case, the following 3 vehicles were involved in the accident dated 20.4.2014: -

a) Swift Dzire car bearing registration No.HR-21D-6111 being driven by Harinder Singh s/o Ram Parkash;

b) Alto car No.HR-19D-6226 being driven by Albel Singh;

c) Skoda car bearing registration No. DL-6CS-9064 being driven by Heena Manchanda/respondent no.1.

4. Brief facts of the case as stated by the claimants in the claim petition are that on 20.04.2014, claimant Ram Parkash along with his son Harinder Singh was coming in Swift Dzire Car bearing registration No. HR-21D-6111 from Hisar to Hansi, which was being driven by Harinder Singh (claimant of third claim petition). At about 1.15 PM when they reached 2 KM before Hansi City on National Highway no. 10, then Alto car bearing registration No. HR-19D-6226/offending vehicle, being driven by (now deceased) Albel Singh in a rash and negligent manner came from



opposite side i.e. Delhi side and hit into the car being driven by Harinder Singh, by taking the Alto car on wrong side; whereas at the same time Skoda car bearing registration No. DL-6CS-9064 being driven by respondent no. 1 in a rash and negligent manner came from back side i.e. Hisar side and also hit in the car being driven by Harinder Singh from back side, due to which Ram Parkash and Harinder suffered grievous injuries on their persons and Swift car of the Ram Parkash was also badly damaged. Immediately after the accident, Ram Parkash was shifted to Jindal Hospital, where he remained admitted and underwent treatment from 20.4.2014 to 27.4.2014. An FIR No.262 dated 20.4.2014, under Sections 279, 337, 304-A and 427 of IPC was registered in Police Station City Hansi, regarding this accident on the statement of respondent no. 1 Heena Manchanda.

5. Respondents No.1 and 2 are the driver and owner of Skoda car respectively; respondent No.3 is widow of deceased Albel; respondent No.4 is daughter, respondent No.5 is son, and respondent No.6 is mother of deceased Albel; and respondent No.7 is insurer of Alto car.

6. Learned counsel for the appellant(s) submits that in dismissing the claim petition the learned Tribunal has ignored the statement of the eyewitness PW2 Harinder Singh, who had stated that he was driving the Swift Car bearing registration No.HR-21D-6111 properly and at moderate speed, when Alto Car/offending vehicle had hit the car of



PW2 Harinder. At the same time Skoda car which was being driven by respondent No.1 in a rash and negligent manner, came from Hisar side and also hit the car driven by Harinder due to which Ram Parkash and Harinder suffered grievous injuries. It is submitted that Hon'ble Supreme Court has held in numerous judgments that proceedings under the Motor Vehicles Act are summary in nature and have to be decided on the preponderance of probabilities. Learned Tribunal has further ignored the medical bill of the injured Ram Parkash as well as Harinder. The injured Ram Parkash and Harinder remained in the hospital for many days due to the accident. The learned MACT has not given any money for the bill to the appellants. Learned MACT has not considered the contributory negligence of driver of Alto car and driver of Skoda car. Learned Tribunal has wrongly believed the statement of respondent No.1 Heena Manchanda as also ignored that FIR No.262 dated 20.04.2014 under Sections 279, 337, 304-A and 427 IPC was registered on the same day regarding the accident. It is accordingly prayed that the present appeals be allowed.

7. No other argument is made on behalf of learned counsel for the appellants.

8. I have heard learned counsel for the appellants and perused the case file in great detail.

9. I find no merit in the submissions advanced on behalf of the appellants as it has been irrefutably proven from the evidence on



record that there was no negligence on part of the offending vehicle i.e. Alto Car No.HR-19D-6226. In this regard, the record reveals that RW1/respondent no.1 had categorically stated that accident was caused by Harinder when he was driving his Swift Dzire car at a speed of 115-120 KMPH; and when he tried to overtake another vehicle on NH-10 he struck his Dzire car into Alto car/alleged offending car, being driven by Albel Singh which was coming from opposite side; and after striking, Dzire car reversed and hit into Skoda. Version of eyewitness RW1 is trustworthy as FIRNo.262 dated 20.04.2014 was registered on her statement. It is but right to suggest that had there been any negligence on part of Albel (driver of Alto), or Heena (driver of Skoda) then Harinder would have lodged FIR against LRs of Albel Singh or Heena (respondent No.1). Ld. Tribunal further found that Harinder Singh had not come to the Court with clean hands as he had concealed material facts and as much as Harinder Singh had failed to disclose in his claim petition that FIR no.262 dated 20.4.2014 had been registered by Heena Manchanda. Moreover, the version given by Harinder Singh regarding the accident was not consistent with the pleading made in the claim petition in as much as in his evidence. Harinder Singh had stated that Skoda car had hit into his Dzire car; whereas in the claim petition, it had been pleaded that Alto car had hit into the Dzire car. Relevant findings returned by learned Tribunal are as under:-



“16. After perusing the evidence placed on record carefully this Tribunal concurs with the arguments advance by counsel for respondent no. 1. It is the plea of the petitioners that accident has taken place because of rash and negligent driving of Alto car bearing No. HR-19D-6226 being driven by Albel Singh, who expired in the accident and rash and negligent driven of Heena, who was driving Skoda car bearing registration No. DL-6CS-9064. But the petitioner Harinder when appeared in the witness box as PW2 has fairly to admit in his cross-examination that police never recorded his statement regarding the accident and he had no knowledge regarding FIR No. 262 whereas respondent no. 1 when appeared as RWI has categorically stated that accident was caused by petitioner Harinder when he was driving his Swift Dzire car at a speed of 115-120 KMPH and when he tried to overtake another vehicle on National Highway no. 10 near Hansi and struck his Dzire car into Alto car baring No. HR-19D-6226 being driven by Albel Singh which was coming from opposite side and after striking Dzire car circlely reversed and hit into her car which was coming at a distance of 15-20 Meters from the car of RW1 and this version of RW1 appears to be trust-worthy and probable because RW1 after the accident called the police and police reached at the spot after 15-20 minutes and on her statement FIR Ex. R4 was recorded. Same version is recorded in FIR which has been reiterated by Heena in her statement while appearing as RW1. Respondent no. 1 also faced trial though he was given benefit of doubt and was acquitted but petitioner Harinder in his claim petition and his father Ram Parkash in his claim petition for compensation on account of suffering of injuries and claim petition filed on account of damage to Dzire car has nowhere



disclosed that the FIR was lodged against Harinder in any police station. Had there been negligence on the part of Alto car driver i.e. Albel Singh and on the part of driver of Skoda car bearing registration No. DL-6CS-9064, then Harinder or his father Ram Parkash would have lodged FIR against Lrs of Albel Singh or Heena the respondent no. 1.

17. In the claim petition, it has been alleged by the petitioners that it was Albel Singh, who brought his Alto car bearing registration No. HR-19D-6226 on wrong side and after coming into wrong side hit Swift Dzire car bearing registration No. HR-21D-6111 being driven by Harinder Singh, who is also son of one of the petitioner namely Ram Parkash and Skoda car bearing registration no. DL-6CS-9064 also hit his Swift Dzire car from behind, whereas Harinder when appeared into the witness box as PW2 has stated during his cross-examination that firstly his car was hit by Skoda car from behind. Version of Harinder regarding accident is not consistent and has not come to the court with clean hands and has concealed material facts from the court.

18. Perusal of testimony of RW1 would also show that Harinder (petitioner of petition no. 3) while overtaking a car struck his Dzire car into Alto car bearing registration No. HR-19D-6226 which was coming from opposite side. Thus, there was no fault of Albel Singh, who was driving Alto car bearing registration no. HR-19D-6226 and was coming on his proper side and it was Albel Singh, who lost his life in the accident in question because of rash and negligent driving of Harinder. Thus, the petitioners have failed to prove these issues and hence, these issues are decided against the petitioners.”



10. Learned counsel for the appellants is unable to controvert or dispute the above said facts and findings. All the above said appeals accordingly, stand **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

26.03.2025

Sunena

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No