

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

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**FAO-1338-2001 (O&M)  
Date of decision: 18.08.2025****Ramawati Devi and others****...Appellant(s)****Vs.****Pardeep Kumar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sandeep Verma, Advocate and  
Mr. Adish Gupta, Advocate for the appellants.

Mr. Paul S.Saini, Advocate for  
respondent No.3-Insurance Co.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the claimants against the dismissal of their claim petition by the learned MACT, Faridabad (hereinafter referred to as 'the Tribunal'), vide Award dated 25.08.2000 passed in MACT Case No. 85 dated 01.12.1995 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act'). The 4 claimants are the widow and 3 minor children of the deceased Ram Darshan Parshad.

2. Brief facts of the case are that the Tribunal on the basis of pleadings and evidence adduced before it concluded that the claimants had been unable to prove that Ram Darshan Parshad had died in the accident dated 07.07.1995 due to rash and negligent driving of a Maruti Car bearing registration No. DL-3C/2578 (hereinafter referred to as "the



offending vehicle”) being driven by respondent No.1; owned by respondent No. 2; and insured by respondent No.3.

3. Learned counsel for the appellants assails the impugned Award by submitting that the Ld. Tribunal has patently erred and acted illegal while disbelieving the evidence of an eye-witness who appeared as PW-3 and is the author of FIR Ex.P-2, and gave no cogent reasoning while disbelieving the statement of PW-3. The witness has been cross-examined at length and in his cross-examination, he categorically stated that after noting down the number of the offending vehicle, he has taken the injured now deceased to the Hospital for Medical Treatment. Learned counsel further submits that Ld. Tribunal further erred in law in believing the statement made by PW-6 Constable Mam Chand who stated that name of the driver of the offending vehicle was not mentioned in the FIR, it is pertinent to point out that FIR is often lodged in haste and cannot be substitute for the evidence giving exhaustive version of the occurrence.

4. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified.

5. Learned counsel for respondent No.3-Insurance Co. opposes submissions made on behalf of the appellants and submits that the impugned Award suffers from no error. It is pointed out that after due investigation of the matter, police had filed ‘untraced’ report. Therefore, claim petition was rightly dismissed. He accordingly prays for dismissal of the present appeal.

6. No other argument is raised on behalf of the parties.



7. I have heard learned counsel and perused the case file in great detail. I find no error in the impugned Award.

8. Perusal of the record of the case shows that the pleaded case of the appellants in the claim petition as recorded in para 2 of the impugned Award reads as follows:-

*“Brief facts of the case are that on 7.7.1995 Ram Darshan Parshad, (deceased in this case) was returning from his factory M/s Orient General Industries Faridabad, to his house situated in Sector 23 Faridabad, at about 9 PM on his bicycle. When he reached near subzi mandi, Mujessar one car bearing No.DL-3C/2578 being driven by respondent no.1 Pardeep, came with high speed without care and caution from the side of Bata Chowk. The driver of the vehicle lost his control over the car and struck against the bicycle of the deceased, as a result of which he fell down and sustained severe head injuries and other multiple injuries on his body. After causing accident respondent No.1 escaped from the spot. The accident was witnessed by Durga Parshad, Jai Mangal and Chaman Lal, co-workers of the deceased. A criminal case under Section 279, 337 and 304-A IPC was registered with Police Station Mujessar on Complaint of Jai Mangal bearing FIR No.169 dated 8.7.1995.”*

9. FIR No. 169 dated 08.07.1995 Ex.P2 was registered on the basis of statement made by eyewitness Jai Mangal PW3. In his testimony, Jai Mangal PW3 had deposed that at the time of accident although driver of the offending vehicle had escaped, but he had read the registration No. of the offending vehicle. However, during his cross-examination, PW3 had



stated that he had studied only upto primary level school in Bihar and “*was unable to read alphabets.*” In this situation, appellants are unable to explain as to how PW3 had still manage to read the alpha-numeric number of the offending vehicle. PW3 had further stated in his cross-examination that he had been told the number of the offending vehicle by “somebody else”. However, PW3 failed to disclose the identity of the said person who had told him the number of the offending vehicle and neither the said person was examined. Even PW6 Constable Mam Chand although had proved the FIR Ex.P2, however had admitted in his cross-examination that name of the driver of the offending vehicle had not been mentioned in the FIR. PW6 had further deposed that no one was arrested in the case, nor any challan was presented in the Court; and upon investigation, police had sent ‘untraced’ report dated 03.01.1997 Ex.R3. In the face of this evidence, it cannot be said with certainty that the alleged offending vehicle was involved in the accident in question.

10. The relevant findings of the learned Tribunal are contained in para 9 of the impugned Award dated 25.08.2000, which reads as under:-

*“9. To prove the factum of the accident due to rash and negligent driving on the part of respondent No.1 while driving the Maruti Car No.DL 3C/2578, Sh. Jai Mangal PW3, one of the eye witnesses of the occurrence, deposed that on 7.7.1995 he was returning from Orient Fan Factory and deceased Ram Darshan Parshad was ahead of him. He further deposed that when they reached Bata Chowk Subzimandi a car being No.DL3C/2578 came from the side of Thermal Power at a fast speed and hit Ram Darshan Parshad, as a result of which he*



*fell down. As per further deposition, he parked his bicycle on one side and in the meanwhile another co-worker, Deep Narain, came there, however, several persons had also gathered there. At that time the driver of the offending vehicle escaped but he had read the registration number of the vehicle. As per his further deposition he lodged FIR Ex.P2. PW6 Constable Mam Chand proved FIR Ex.P2. PW6 Constable Mam Chand proved FIR Ex.P2 from the summoned record.*

*Cross-examination of PW3 reveals that he had studies upto Primary level school in Bihar, knowing little English but was unable to read alphabets. It stands further revealed that some body else had told him the number of the vehicle. Strangely enough it has not been disclosed who was the person who had told him about the number of the offending vehicle nor such person has been examined. PW6 constable Mam Chand admitted in his cross-examination that name of the driver was not mentioned in the FIR and that no person was ever arrested in the case nor any challan was presented in the Court as no case had been made out and the police had sent a report of "untraced". It also stands recited in the FIR Ex.P2 that the number of the offending vehicle was revealed as DL-3C/2578. The Insurance Company had also got verified the relevant facts regarding involvement of the said car in the accident through its investigator and came to the conclusion that the accident was not caused by said Car. Ex.R1 is the copy of driving licence of respondent No.1 while Ex.R-2 is the copy of the Insurance policy. Ex.R3 is the certified copy of report dated 3.1.1997 issued by the police to the effect that the said Criminal bearing FIR No.169 dated 8.7.1995 under Sections 279/337/304-A IPC Police Station Mujessar had been sent as 'untraced' on 9.10.1995."*



11. From the above facts and findings, it is clear that appellants were unable to prove the involvement of the Maruti Car bearing registration No. DL-3C/2578 in the accident in question.

12. **Dismissed.**

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

**18.08.2025**

Divyanshi

**(NIDHI GUPTA)**

**JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No