**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****227****FAO-2387-2014(O&M)  
Date of decision: 24.09.2025****Gurmukh Singh & Others****...Appellant(s)****Vs.****Bhupinder Singh & Others****...Respondent(s)****\*\*\*****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Jaideep Verma, Advocate  
for the appellants.Ms. Mallika Dhillon, Advocate for  
Mr. S.S. Sidhu, Advocate  
for respondent No.3.**\*\*\*****NIDHI GUPTA, J.**

Present appeal has been filed by claimants against the dismissal of their Claim Petition No.21 dated 03.08.2011 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act") by Motor Accident Claims Tribunal, Rupnagar (hereinafter 'the learned Tribunal') vide Award dated 16.07.2013. The 4 claimants are the parents and 2 minor children of deceased Harpreet Singh, who was 35 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on appraisal of oral and documentary evidence adduced by the parties,



concluded that the appellants had been unable to prove that the deceased had died in the accident that took place on 12.12.2010 at about 9 pm due to the alleged rash and negligent driving of the truck bearing registration No.MP-09-HF-8283 (hereinafter referred to as “the offending vehicle”) being owned by respondent No.1, driven by respondent No.2 and insured by respondent No.3.

3. The case as pleaded by the appellants in their Claim Petition before the Tribunal as recorded in Para 1 of the Award is as follows:-

*“The claimants have filed the present claim petition under section 166 of Motor Vehicle Act, amended up to date for recovery of compensation of Rs.50,00,000/-along with interest at the rate of 9% p.a. over the same from the respondents against all the respondents with the averments that Harpreet Singh since deceased was son of the claimants no. 1 & 2 and was father of the claimants no.3 & 4. Harpreet Singh since deceased was working as production officer in M/s Ranbaxi Laboratories limited at village Tonsa, District Shaheed Bhagat Singh Nagar and was drawing salary of Rs.16611/- per month and was also drawing perks to the tune of Rs.90.996/-. Harpreet Singh since deceased on 12.12.2010 along his friend Sourav was coming from Chandigarh Side to Ropar in a car no.PB 12F-0909 driven by himself and when reached in the area of village Chanallo near Kurali at about 9.00 pm, then truck no.MP-09-HF-8283 came from the side of Ropar driven by the respondent no. 1 in a rash and negligent manner on its wrong side, also without blowing any horn and struck against the car driven by Harpreet Singh since deceased. The car was*



*damaged badly. Harpreet Singh and other occupant Sourav of the same were crushed in the car. The accident was witnessed by Gurmukh Singh claimant no. 1 father of Harpreet Singh since deceased, following Harpreet Singh since deceased from Chandigarh to Ropar in separate car no.HR02-3747 driven by his friend Gurinder Singh. Thereafter the claimant no. 1 Gurmukh Singh with the help of people gathered at the spot took both the injured Harpreet Singh and Sourav to civil hospital Kurali where the doctor declared both Harpreet Singh injured and Sourav injured brought dead. Harpreet Singh since deceased was 35 year at that time. The claimant no.1 thereafter recorded his statement to the police ultimately incorporated in FIR no.64 of 12.12.2010. Rajinder Singh son of Santokh Singh, resident of H.no.4400/17, Mohalla Haveli Kalan, Ward no.2 Ropar witnessed the occurrence and informed the police vide registered letter dated 9.3.2011 about the said offending truck no.MP-09-HF-8283. Thereafter postmortems of Harpreet Singh since deceased and Sourav were conducted. Moreover Amarjit Kaur widow of Harpreet Singh since deceased and mother of claimants no.3 and 4 immediately after the death of Harpreet Singh since deceased left the matrimonial house by leaving the claimants no.3 and 4 with the claimants no.1 and 2. The claimants no.1 and 2 have been looking after the claimants no.3 and 4. The claimants incurred an amount of Rs.50000/- on funeral and last rites of Harpreet Singh since deceased and suffered loss to the tune of Rs.50,00,000/-. The claimants are entitled to the total compensation of Rs.50,00,000/-with interest at the rate of 9%*



*per annum over the same till realization of the same from all the respondents.”*

4. It is inter alia submitted by learned counsel for the appellants that the learned Tribunal was in error in dismissing the Claim Petition as it failed to appreciate that deceased Harpreet Singh was the only son of his old parents. The appellants in order to prove their claim had produced cogent and convincing evidence as the appellant No.1/father of the deceased had himself stepped into the witness box as PW1. The factum of the evidence stood duly proven on file by the other witnesses also produced by the appellants. Even in order to prove the letter / application dated 09.03.2011 Ex. P-5. The appellants moved an application for Additional evidence but the same declined by order dated 27.04.2013 by holding that the judicial notice of said application should be taken at the disposal of main case. But, at the time of final decision of the matter the Ld. MACT, Rupnagar refused to consider this letter by saying that the same was not referred in the statement of PW1 & 2. It is not out of place to mention here that from the bare perusal of letter dated 09.03.2011 Ex. P-5. It duly reveals that Rajinder Kumar had written to the Supdt. Of police that he was also witnessed the accident & Truck MP-09-HF-8283 struck against the car PB-12F-0909. The said letter duly received by the department in this regard postal receipts also produced on the record. but, unfortunately, the Ld. MACT, Rupnagar made a glaring illegality & perversity while decline to read the said letter in evidence & struck of from the record of claim petition.



5. Per contra, learned counsel for respondent No.3 opposes submissions made on behalf of the appellants; and submits that impugned Award suffers from no error, and the appeal deserves to be dismissed.

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

7. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

8. It may firstly be pointed out that although the Claim Petition of the appellants has been dismissed by the learned Tribunal. However, in Paras 14, 15 and 16 of the present Appeal it is inter alia stated that income of the deceased was wrongly assessed by the learned Tribunal as Rs.3,500/- per month; that age of deceased has been wrongly determined as 46 years on the basis of Post-Mortem Report (Ex.P2); and that multiplier of 13 has been wrongly applied. In the prayer clause, it has further been prayed that *“The present appeal may kindly be accepted by way of modifying the award dated 28.11.2013 passed by Ld. MACT, Rupnagar & enhanced the compensation along with 12% interest till the realization be enhanced in the interest of justice, equity and fair play.”* The present appeal, therefore, deserves to be dismissed on this short ground itself.

9. Furthermore, it is necessary to consider that the claim petition of the appellants has been dismissed by the learned Tribunal with exemplary costs of Rs.10,000/- payable by the claimants, as it was categorically found by the Tribunal that the appellants had made a



concerted effort to mislead the Tribunal in an effort to procure the compensation. In holding as above, the learned Tribunal had taken note of the fact that the FIR No.164 dated 12.12.2010 was recorded by the claimant No.1/father of the deceased against an unknown driver and unknown vehicle. Alleged eyewitness PW3 Kamaldeep Singh stated to have been working at the Toll Plaza near Kurali and who had performed his duty on the date of accident, had failed to inform the Police; whereas PW4 Baljinder Singh had allegedly informed about the occurrence through his mobile. However, during cross-examination, PW4 could not recall the phone number of the police official to whom the said information had been given by PW4; and also could not recall/record the name of the official to whom the said information was given. In any event, PW4 is an interested witness as the deceased was a co-worker with Billu who is family member of PW4 who had therefore deposed in favour of the claimants. Thus, PW3 and PW4 could not connect the alleged offending truck with the accident in question.

10. The claimants had also failed to examine Gurinder Singh, another eyewitness, who was allegedly coming with claimant No.1 in a separate car behind the car of the deceased. To establish the involvement of the alleged offending vehicle, the claimants had also moved an application for additional evidence but still failed to examine Rajinder Singh, yet another alleged eyewitness who had emerged suddenly after three months of the accident, and had allegedly written letter dated 09.03.2011



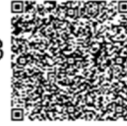
Ex. P-5 to the Superintendent of Police. Last but not the least, after investigation in the matter, Untraced Report was submitted by RW2 ASI Investigating Officer of the above said FIR No.164 dated 12.12.2010.

11. Relevant findings of the learned Tribunal are contained in Para 8, relevant extract of which is as follows:-

*“8. .... The investigation of the case pertaining to FIR as recorded by RW2 ASI Amrit Lal investigating officer of the same culminated into untraced report for want of alleged vehicle hit against the car driven by Harpreet Singh since deceased. The claimant Gurmukh Singh being retired from police force could produce PW3 Kamaldeep Singh and PW4 Baljinder Singh during investigation of the said case before RW2 ASI Amrit Lal investigating officer of the same to record their version with regard to the involvement of the said truck owned by the respondent no. 1 and driven by the respondent no.2 as are produced while leading evidence in the present case to the said effect against the respondents. The claimants brought copy Ex. P5 of application dated 9.3.2011 of Rajinder Singh son of Santokh Singh but neither the same was referred in evidence of PW1 Gurmukh Singh claimant no.1 nor was referred in the version of PW2 Jaswinder Singh examined on 18.1.2012 and the same being not referred in evidence cannot be read in evidence and is struck off from the record of the claim petition. The claimants did not examine Rajinder Kumar applicant of the said application but filed an application for permission to adduce additional evidence on 21.2.2013 instead of leading any rebuttal evidence to prove application dated 27.8.2012 addressed by claimant no. 1 Gurmukh Singh to then senior*



*superintendent police Mohali complaining against the police officials of PS Kurali connived with driver and owner of the truck no.MP-09-Hf-8283, posted on 27.8.2012 but the same was declined vide order dated 27.4.2013 by holding that the judicial notice of the same should be taken at the disposal of the main case. The claimants in fact firstly tried to establish the involvement of said truck owned by respondent no.1 and driven-by respondent no.2 by examining PW3 Kamaldeep Singh and PW4 Baljinder Singh and thereafter moved the said application but did not examine Gurinder Singh allegedly coming with claimant no.1 Gurmukh Singh in a separate car no.HR-02-3747 allegedly coming behind the car no.PB 12F-0909 suffered accident on the day occurrence. PW3 Kamaldeep was working at Toll Plaza near Kurali and performed his duty on 12.12.2008 (sic 2010) from 10.00 pm to 6.00 am and easily could inform the occurrence to the police but of no avail whereas PW4 Baljinder Singh was ex-sarpanch of village Channalo and used to go to police station and also allegedly informed the occurrence through his mobile no.93167-12674 on 12.12.2010 at about 9.00/9.30 pm but while facing cross examination could not record the number of phone of police official to whom the information was given by him and also could not record the name of the official to whom the information was given by him. Moreover PW4 Baljinder Singh ex-sarpanch did not go to the police station to inform the number of the offending vehicle till deposing in favour of the claimants except deposing about intimating in said manner by him to the police. Harpreet Singh since deceased worked with Billu family member of said PW4 Baljinder Singh who*



*resultantly deposed in favour of the claimants. The said both Kamaldeep Singh and Baljinder Singh examined by the claimants to connect the truck no.MP-09-HF-8283 owned by respondent no.1 and driven by respondent no. 1, with the occurrence, could not connect the said truck owned by respondent 1 and driven by respondent no.2 with the occurrence led to accident with the car of Harpreet Singh since deceased...”*

12. Ld. Counsel for the appellants is unable to dispute or controvert the above said findings on record. In view of the above, I find no error in the impugned Award. Present appeal accordingly stands **dismissed**.

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

**24.09.2025**

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

**(Nidhi Gupta)**

**Judge**