



FAO-3830-2001 (O&M)

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

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FAO-3830-2001 (O&M)

Date of decision :27.08.2025

SMT.SHIELA DEVI AND OTHERS

... APPELLANTS

VERSUS

RAJ KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Brijesh Kumar, Advocate
for the appellant.

Mr. Shashi Kumar Yadav, Advocate and
Mr. Ankit Kumar Sangwan, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J.

Present first appeal has been preferred by claimants, who are aggrieved by award dated 03.05.2000 passed by Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as 'Tribunal'), vide which claim petition preferred by the claimants was dismissed.

2. In their claim petition, claimants-appellants had sought compensation of Rs. 5,00,000/- on account of death of Rajbir, husband of claimant no. 1, father of claimant nos. 2 and 3 and son of claimant nos. 4 and 5, on the ground that on 12.07.1992 at about 10.00 p.m., when he was proceeding for investigation of a criminal matter and had reached near bus stand Bahadurgarh on National Highway No. 10, a truck bearing registration No. HYF-4270 driven by respondent No. 1 Raj Kumar rashly and negligently hit his motorcycle. The accident was stated to have been witnessed by Dalip. Deceased had suffered



grievous injuries in the accident. He was initially taken to Civil Hospital, Bahadurgarh but was referred to MCH, Rohtak, however, he succumbed to the injuries suffered by him in the accident. That FIR No. 216 dated 11.07.1992 under Sections 279, 337 and 304-A IPC was registered with Police Station Sadar, Bahadurgarh.

3. Respondent No. 2 on notice, appeared and filed written statement claiming the claim petition to be time barred. Respondent No. 3 in his written statement denied involvement of truck asserted accident to be a hit and run case and claimed that respondent No. 1 was not holding valid driving license.

4. From pleadings, following issues were framed.

- “1. Whether the accident in question took place due to rash and negligent driving of Raj Kumar respondent. No. 1 while driving the truck bearing registration No. HYF-4270 owned by and during the course of employment of respondent No. 2 and insured with respondent. No. 3, in which Rajbir son of Jogi Ram had died ? OPP.
2. If issue No. 1 is proved, to what amount of compensation petitioners are entitled to and from whom ? OPP.
3. Whether respondent No. 1 was holding a valid driving licence at the time of accident ? OPR3.
4. Relief.”

5. In order to prove the accident dated 12.07.1992, the claimants had examined PW-2 Dalip, who asserted to have seen the accident. He claimed that on 12.07.1992 at about 10.00 p.m. he was waiting for bus, in the meanwhile, a truck came from the side of Rohtak whereas motorcycle had come from the side of Delhi. The motorcycle was being driven at normal speed and was hit by the truck. The motorcyclist had suffered injuries and he was taken by the passersby



to the Civil Hospital, Bahadurgarh. He disclosed name of injured to be Rajbir. He, however, in cross examination admitted that he had neither noted the registration number of the truck nor could he see the truck driver. PW-3 Sube Singh also claimed to have witnessed the accident. He also claimed that offending truck, which was driven by respondent No. 1, in a rash and negligent manner had hit the motorcycle. He further asserted that truck driver had also suffered injuries. Truck driver was also taken to hospital along with deceased Rajbir. He also claimed that truck driver had disclosed his name as Raj Kumar. He, however, in his cross examination, admitted that no report was lodged with the police regarding accident by him.

6. Respondents, on the other hand had examined RW-1 Om Parkash, Deputy Record Keeper, Judicial Record Room, Sessions Court, Rohtak, who had produced the case file pertaining to case titled as 'State Versus Subhash' bearing FIR No. 216 dated 11.07.1992 registered at Police Station Sadar, Bahadurgarh and had placed copy of FIR as well as reports of the mechanical test of the bus and truck attached with the criminal case file. RW-2 Bishamber Dayal, Head Constable had duly deposed that on 13.07.1992, he had mechanically examined bus No. HR-16-0303 along with truck No. HYF-4270 and had prepared mechanical report and exhibited them as Ex.-PB and EX.-PC respectively. He had also asserted that he had examined truck at the spot, which was about 7 kilometers away from Bahadurgarh towards Rohtak and clearly stated that universal joint of the steering of truck was found broken. Vehicle was not in a position to be driven in that condition. He also stated that at the time of mechanical examination, the truck was in the custody of police.

7. After appreciating the evidence led and material produced by both



sides, the tribunal had dismissed the claim petition.

8. Learned counsel for the claimants has argued that learned Tribunal has erred in not accepting evidence of PW-3 having seen the occurrence, noticing the number and name of respondent-driver of offending vehicle.

9. On consideration, I do not find any error in the conclusion drawn by learned Tribunal in the facts and circumstances of the present case, especially in view of evidence of RW-1 and RW-2. It is worth noticing that FIR was lodged against unknown vehicle and no number of offending truck was mentioned. PW-3 had never stated number of offending vehicle to the police during the investigation. He, for the first time appeared before the learned Tribunal and asserted to have seen the occurrence. However, his assertions as witness of claimants are falsified by facts, which have been produced on record by RW-1 and RW-2. From the evidence of RW-1 and RW-2, it is clearly established on record that truck No. HYF-4270 which is being alleged to be offending vehicle had met with an accident with a bus, a day prior (i.e. on 11.07.1993) to the present occurrence dated 12.07.1992. On account of said accident on 11.07.1992, an FIR No. 216 dated 11.07.1992 was duly lodged and truck was taken in possession in said FIR and was subjected to mechanical examination by RW-2. It is also proved that on 13.07.1992, a day after the accident in the present case, truck was examined by RW-2 while truck was in police possession at a distance of 7 kilometers from Bahadurgarh whereas accident in the present case had occurred near bus stand Bahadurgarh. The truck was totally immobile as found by RW-2 vide his report Ex. PC as its universal joint had broken and the same was not in a position to be driven. It is, therefore, clearly made out that actually PW-3 had falsely implicated truck bearing No. HYF-4270 only to help claimants to seek



compensation by involving a truck, which was already immobile and was in possession of police on account of having met with an accident a day prior to the present accident.

10. Therefore, the conclusion drawn by the learned Tribunal is based upon the evidence led by parties and cannot be faulted with. There is no merit in the present appeal, and the same is accordingly dismissed.

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

27.08.2025
manoj

(PARMOD GOYAL)
JUDGE

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