



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

FAO-4062-2024

Date of Decision: 09.09.2025

MEENAKSHI AND OTHERS

....Appellants

Versus

AKRAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Tushar Gera, Advocate
 for the appellants.

Parmod Goyal, J. (Oral)**CM-14888-CII-2024**

The present application has been filed for condonation of delay of 13 days in re-filing the instant First Appeal.

For the reasons stated in the application, the same is allowed.

Main Case

Claimants/appellants being aggrieved by award dated 02.04.2024, passed by learned Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as 'Tribunal'), vide which claim petition seeking compensation on account of death of Parshant in motor vehicular accident dated 14.05.2022, was dismissed, have preferred present appeal.

2. It is the case of claimants that on 14.05.2022, Parshant and Ravinder at about 10:30 PM were proceeding to Village Mehrana on separate motorcycles. Deceased Parshant was driving motorcycle bearing No.HR-14P-7438, whereas Ravinder was following him on another motorcycle. At about 11 PM when they reached near Bittu Petrol Pump near



Village Girawar, a truck bearing No.UP-15DT-5469 (hereinafter referred to as ‘offending vehicle’) being driven by respondent No.1 in a rash and negligent manner came and suddenly applied its breaks in the middle of the road, due to which motorcycle of deceased Parshant struck against the offending vehicle from back side. After causing the accident, respondent No.1 drove away the offending vehicle from the spot. Deceased was taken to World College of Medical Science and Research Hospital, Girawar and then to PGIMS, Rohtak, however, deceased expired during treatment.

3. It was asserted that accident had taken place on account of rash and negligent driving of respondent No.1. Respondents No.1 and 2 took the stand that truck bearing No.UP-15DT-5469, was not involved in the accident. Whereas, Insurance Company asserted false implication of insured truck in collision with police as well as respondents No.1 and 2. All the respondents had sought dismissal of claim petition.

4. Following issues were framed from the pleadings of parties :-

1. Whether the accident in question, resulting into the death of Parshant son of Suresh, had taken place due to rash and negligent driving of vehicle bearing registration No.UP-15DT-5469 by respondent No.1, as alleged? OPP
2. If Issue No.1 is proved in affirmative, whether the petitioners are entitled to compensation, if so, to what amount and from whom? OPP.
3. Whether respondent No.1 was not holding a valid and effective driving license on the date of alleged accident, if so, its effect? OPR-3
4. Whether respondent No.2 had contravened the terms and conditions of insurance policy, if so, its effect? OPR-3



5. Relief.

5. In order to prove the accident to be the result of rash and negligent driving of offending truck, petitioners had examined Ravinder as PW1, Suresh as PW3 and ASI Ashok Kumar as PW5. Issue No.1 was decided against claimants and accordingly, claim petition was dismissed. Perusal of findings of learned Tribunal on issue No.1 goes to show that learned Tribunal has rejected evidence of PW1, PW3 and PW5 as regards to the involvement of vehicle bearing No.UP-15DT-5469 in the accident.

6. Learned counsel for the appellants has argued that learned Tribunal has wrongly rejected the evidence of PW1 Ravinder, who was eye witness and had lodged FIR No.116 dated 15.05.2022 under Sections 279, 304A IPC, registered with Police Station Dujana. It was argued that learned Tribunal ought to have considered the evidence of PW3 Suresh also as PW1 Ravinder, Chanderbhan and PW3 Suresh had moved applications Exhibits P-28 to P-30 to SHO, Police Station Dujana and had disclosed registration number and name of respondents No.1 and 2 to the police. It is asserted that the vehicle number had come to the knowledge of PW1 and other PWs only when respondents No.1 and 2 had approached the petitioners for compromise in the matter.

7. It is further submitted that learned Tribunal has not taken in consideration fact that it is respondent No.1, who has been challaned by police after fair investigation and since it is respondent No.1, who is facing trial for causing the accident, the learned Tribunal ought to have decided issue No.1 in favour of the appellants.



8. In the present case, admittedly in the FIR, number of offending vehicle was not disclosed by PW-1, though FIR was lodged on the next date of accident. Accident had taken place on 14.05.2022 and FIR No.116 was lodged on 15.05.2022, against an unknown vehicle. PW2 Meenakshi and PW3 Suresh have duly admitted that they were not present at the time of accident. The sole eye witness to the accident was PW1 i.e. Ravinder.

9. It is worth noticing that even the I.O. of FIR No.116 while appearing as PW5 has deposed that it was during investigation upon recorded statement of witnesses i.e. PW-1, PW-3 and Chanderbhan on 12.07.2022, the vehicle number had come to his knowledge. PW5 ASI Ashok Kumar further stated that Ravinder, Chanderbhan and Suresh had moved applications Exhibits No.28 to P30 respectively, claiming that accident was caused by truck bearing No.UP-15DT-5469. On disclosure of truck number by these three persons, on 21.07.2022, he had recorded disclosure statement of respondent No.1 and had taken the offending vehicle into police possession and concluded that accident was caused by respondent No.1 and accordingly, had filed the challan against respondent No.1.

10. It is worth noticing that initially as per *ruqqa*, it was mentioned that complainant do not want to take any action and MLC was also not conducted on the statement of PW1-Ravinder and uncle of deceased namely, Chanderbhan. It was after *ruqqa*, FIR was lodged, however, particulars of truck were not mentioned in FIR Ex.P-1. PW1 Ravinder has claimed that after accident truck had stopped for some time and while he was taking care of the injured, truck driver fled from the spot, which goes to show that PW1



Ravinder had opportunity to note down the number. No explanation has come from the side of claimants as regards to fact that initially family members of deceased as well as Ravinder, who is claiming to be eye witness never wanted to take action against the offending vehicle. It was subsequently on next date, that FIR was lodged against the truck, however, its number was not disclosed at that time. It is also admitted fact that after the accident dated 14.05.2022, the number of offending vehicle came to public domain only on 12.07.2022, when supplementary statements Exhibits P-20, P-21 and P-22 were recorded.

11. It is also worth noticing that on the same day i.e. 12.07.2022, Ravinder, Chanderbhan and Suresh had moved applications Exhibits P-28 to P-30 dated 12.07.2022. The only explanation which is coming forth from the side of claimants, to explain the delay in disclosing number of offending vehicle after two months is that respondents No.1 and 2 had approached them for compromise.

12. Admittedly, respondent No.1 is resident of Madapur, District Hapur and respondent No.2 is resident of Village Meerut. There was no occasion for respondents No.1 and 2 to visit the house of family members of deceased for compromising the matter, as they were not involved in any case as FIR existed against them. Even truck number was not known. No particulars have been disclosed as to when they had approached the deceased's family. The assertions made in Exhibits P-20 to P-22 and P-28 to P-30, therefore, are totally unbelievable and cannot be relied upon. Evidence of claimants has even failed to pass the test of preponderance of probability.



13. It is against human nature that a person who had committed an accident and fled from the spot, immediately after the accident, against whom no FIR has been lodged, would come and disclose his identity to face criminal trial and case of compensation. This is totally improbable in the facts and circumstances of the case. From the facts and circumstances of the case, the conclusion drawn by learned Tribunal that the vehicle was falsely implicated specifically in collusion with respondents No.1 and 2 is correct. PW1, PW2 and PW3, all of them had in fact contradicted the documents i.e. Exhibits P-20 to P-22 and P-28 to P30, as in the Court they have taken a stand that it was the investigating agency who had given/traced the particulars of offending truck, however, PW5 is claiming that it was PW1 Ravinder, who provided telephone number of the owner of offending truck after two months of accident. Therefore, the conclusion drawn by learned Tribunal that offending truck has been involved only to get compensation, cannot be faulted with.

14. Present is the case where deceased had died on account of accident caused by an unknown vehicle. No fault with the finding of learned Tribunal can be found. The award dated 02.04.2024 is affirmed. There is no merit in the appeal and the same is dismissed. However, liberty is granted to petitioner to seek compensation from appropriate authority in accordance with law, as the case is a case of hit and run.

(PARMOD GOYAL)
JUDGE

09.09.2025
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No