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

**FAO-3145-2024 (O&M)**

**Date of Decision : 11.07.2025**

Manjit Kaur & Ors

... Appellant(s)

Versus

Ranjit Singh & Anr

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Ishan Singh Cooner, Advocate for the appellants.

**ALKA SARIN, J. (Oral)**

**CM-11283-CII-2024**

1. For the reasons mentioned therein, the application seeking condonation of delay of 80 days in filing the appeal is allowed and the delay of 80 days in filing the appeal is condoned.

**FAO-3145-2024**

2. The present appeal has been filed by the claimant-appellants aggrieved by the impugned award dated 07.12.2023 passed by the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as 'Tribunal'), whereby the claim petition under Section 163-A of the Motor Vehicles Act, 1988 was dismissed.

3. Brief facts relevant to the present *lis* are that on 05.09.2015, Partap Singh (since deceased) was going from Village Bhullar to village Bhattewad on a motorcycle bearing Registration No.PB-63-A-5013 on the correct left-hand side of the road at a normal speed. At about 06.00 pm, when he reached near the fields of Dilbag Singh on Bhullar to Bhattewad

link road, a Canter No.PB-11-BA-8487 being driven by respondent No.1 in a rash, negligent manner and at a very high speed came from the opposite side and hit the motorcycle of the deceased by going on the wrong side of the road on *kachcha birm*. As a result, Partap Singh was thrown on the road alongwith his motorcycle and suffered multiple and grievous injuries on his head, fracture of his ribs, fracture of his jaw bones, fracture on his right arm and two teeth were uprooted and his mental condition also deteriorated, besides other injuries on his entire parts of the body. He was taken to Amandeep Hospital, Amritsar from the spot from where he was taken to Fortis Escort Hospital, Amritsar where several operations were conducted, with surgery and other operations for nailing and plating. He was discharged on 17.10.2015. It was further averred that he further remained admitted in Ajit hospital, Amritsar. He also remained under treatment at Ajit Hospital as OPD patient and visited about 40 times for his follow up treatment. He died on 30.06.2019 on account of injuries suffered in the accident. It was further averred that a sum of ₹20,00,000/- had been spent on his treatment, transportation, medicines, tests and diet etc. A DDR was also registered on the statement of Jagdish Singh. However, due to hospitalization, Partap Singh (since deceased) was unable to pursue the matter before the Police. Hence, they have failed to register a FIR against the offending vehicle. It was further averred that the accident took place due to rash and negligent driving of respondent No.1.

4. On notice respondent No.1 appeared and contested the claim petition by filing written statement raising preliminary objections that the claim petition is not maintainable in the eyes of law and denying the factum

of accident due to negligence of respondent No.1. On merits, averments made in the claim petition were denied.

5. Respondent No.2-Insurance Company filed its separate written statement taking various preliminary objections that the deceased did not die in a road accident. It was further stated that respondent No.1 was not driving the offending vehicle nor he was competent to drive the same and that he was not holding a valid and effective driving licence at the time of accident. The factum of the accident was also denied.

6. On the basis of the pleadings of the parties, the following issues were framed :

1. Whether Partap Singh died on 3.6.2019 on account of rash and negligent driving of Canter bearing No. PB11-BA-8487 being driven by respondent No. 1 on 5.9.2015 in the area of Village Bhattewad ? OPP
2. Whether the claimants are entitled to receive compensation, if so, how much and from whom ? OPP
3. Whether the claim petition is not maintainable ?  
OPR
4. Relief

7. The Tribunal vide the impugned award dated 07.12.2023 dismissed the claim petition. Aggrieved by the same, the present appeal has been preferred.

8. Learned counsel for the claimant-appellants would contend that the deceased in the present case died because of the injuries received by him at the time of the accident on 05.09.2015. It is further the contention that in

the accident the deceased suffered multiple and grievous injuries including injuries on his head, fracture of his ribs, fracture of his jaw-bones, fracture on his right arm and his mental condition also deteriorated besides other injuries on the body.

9. I have heard the learned counsel for the claimant-appellants.

10. In the present case the accident is stated to have taken place on 05.09.2015 and the date of death of Partap Singh is 30.06.2019. Manjit Kaur who had stepped into the witness box as CW1 had stated in her cross-examination that she had not brought any medical record regarding the treatment by her husband from September 2015 till his death on 30.06.2019. It was further admitted that no postmortem was ever conducted in the present case. Even the brother of the deceased, Jagdish Singh who stepped into the witness box as CW2, admitted that there is no medical record of any treatment having been taken by his brother from September 2015 till his death on 30.06.2019. In the absence of any medical evidence and in the absence of having established any co-relation with the accident and the death, no fault can be found with the impugned award passed by the Tribunal.

11. In view of the above, I do not find any merit in the present appeal and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

11.07.2025  
Yogesh Sharma

**( ALKA SARIN )**  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO