



FAO-228-2023(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-228-2023(O&M)
Date of Order:-10.07.2025

Shyamsundar Singh

...Appellant

Versus

Sourabh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Appellant in person represented by
Mr. Nikunj Dhawan, Advocate.

None for respondents No.1 and 2 despite service.

Mr. Nigam K. Bhardwaj, Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

CM-837-CII-2023

1. For the reasons given in the application, it is allowed.
2. Delay of 71 days in filing of the appeal is condoned.

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3. Claimant/appellant has filed the instant appeal assailing award dated 19.07.2022 passed by the Motor Accident Claims Tribunal (for short "the Tribunal"), Panipat, whereby the claim petition filed by him has been rejected.

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4. Mr. Nikunj Dhawan, Advocate submits that on 07.02.2021 appellant's sons Kamlesh and Sanjit Singh, were returning home on foot and were walking on the road side. A car bearing registration No.HR-05BA-2669 rashly driven by respondent No.1 hit Kamlesh and he received multiple injuries. Counsel states that Kamlesh succumbed to the injuries and an FIR No.125 dated 08.02.2021 was registered under Sections 279 and 304-A IPC at Police Station Model Town, Panipat on the basis of statement of Sanjit Singh. Counsel submits that the deceased was a labourer and earning Rs.20,000/- per month. He states that the appellant, who has no source of income, was completely dependent upon the deceased, filed a claim petition, Annexure A1, under Section 166 of the Motor Vehicles Act, 1988 (for brevity hereinafter referred to as "MV Act"), which has been dismissed by the Tribunal as the claimant could not produce any evidence. Counsel asserts that the counsel engaged by the claimant never informed him about the proceedings before the Tribunal. Claimant's evidence was closed by order on 19.07.2022 and on the same day claim petition was dismissed vide award impugned herein. Counsel asserts that the impugned award be set aside and the claimant be given sufficient opportunities to lead his entire evidence.

5. Mr. Nigam K. Bhardwaj, counsel for the insurance company – respondent No.3 has opposed the appeal and states that the claimant has been negligent in pursuing the claim petition. He states that the claimant is a shrewd person and he filed two separate claim petitions for compensation under the MV Act and when this was pointed out, he withdrew the second petition. It is also his assertion that even before this

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Court, two separate but identical appeals were filed, although the second appeal (FAO-944-2023) has been withdrawn with liberty to pursue the instant appeal.

6. I have heard counsel for the parties and have considered their respective submissions.

7. It cannot be disputed that the appellant is the father of Kamlesh, who unfortunately expired as a result of an accident caused by a car driven by respondent No.1. An FIR has been registered regarding the accident. Appellant, a septuagenarian, is a semi-literate person, who claims that he has no other source of income and he has filed a claim petition seeking compensation on account of the death of his son, which has not been adjudicated on merits.

8. Without examining or commenting upon the allegation levelled by the appellant on his counsel before the Tribunal, this Court is of the view that the claim petition filed by him deserves to be decided on merits. No doubt, the claimant has failed to produce any evidence in support of the petition despite grant of repeated opportunities and imposition of cost of Rs.2,000/-, but this Court feels that adequate opportunities should be granted to him to adduce the evidence for examination by the Court so that the claim petition can be determined on merits.

9. For the foregoing reason, order dated 19.07.2022 passed by the Tribunal closing the evidence of the appellant as well as impugned award dated 19.07.2022 are set aside. Matter is remitted to the Tribunal



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to adjudicate the claim petition afresh after affording ample opportunities to the claimant to produce evidence. This will however be subject to cost of Rs.5,000/- in addition to cost of Rs.2,000/- imposed by the Tribunal. Deposit of cost of Rs.7,000/- would be a pre condition to the grant of opportunities.

10. Appeal is disposed of.

11. Parties are directed to appear before the Tribunal on 01.09.2025 for further proceedings in accordance with law.

12. Pending miscellaneous application (s), if any, stand disposed off.

(SUVIR SEHGAL)
JUDGE

10.07.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No