



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

FAO-1894-2007

Reserved on: 28.08.2025

Date of decision :12.09.2025

PARTAP SINGH

.....Appellant

Vs.

GURPAL SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Rajeshwar Singh, Advocate
for the appellant.

Mr. Sandeep Suri, Advocate
for respondent-Insurance Company.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred for setting aside the award dated 26.10.2006 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Gurdaspur (for short, 'the Tribunal'), whereby, claim petition filed by the appellant/claimant, was dismissed.

FACTS NOT IN DISPUTE

2. The brief facts of the case are that on 13.5.02 at about 10.15 am claimant Partap Singh was going on scooter No. RJR-6827 and when reached near Colony situated near village Dello Bal Khurd, one Tata Sumo bearing registration No. HR-01F-0270 red coloured came in rash and negligent manner and driver of said Tata Sumo struck the Tata Sumo by coming on wrong side and without blowing horn against the scooter of



claimant. As a result of it, both legs of claimant were fractured and he suffered multiple injuries. After the accident, driver Makhan Singh of Bus No. PB 08-M-9876 and one passerby Sh Ajit Singh arranged a vehicle and took away the claimant to Civil Hospital, Garhshankar and doctor referred the claimant to Guru Nanak Mission Hospital, Dhahan Kaleran where he remained under treatment, FIR No. 71 dated 16.5.02 was registered under Section 279/337/338/427 IPC by the police of PS Garh Shanker, but the police did not proceed with the said case and as such, a criminal complaint was filed by the complainant against respondent No.1 Gurpal Singh. The claimant has further been stated that the claimant is unable to move due to fractures on his both legs and spent more than Rs 2,00,000/- on his treatment i.e operation and medicines and other expenses and Rs 2,00,000/- more are required for the operation of his legs. All the respondents are jointly and severally liable to pay the amount of compensation alongwith interest and costs etc.

3. Upon notice of the claim petition, the respondents appeared and filed their separate replies denying the factum of accident/compensation.

4. From the pleadings of the parties, the learned Tribunal framed the following issues:-

“1. Whether the claimant sustained injuries in motor vehicle accident caused by respondent No. 1 Gurpal Singh by driving Tata Sumo No. HR-01F-0270 in rash and negligent manner on 13.5.02 in the area of village Dolle Bal Khurd? OPA

2. Whether the claimant is entitled to compensation? if so to what amount and from whom? OPA



3. Whether the claim-petition is not maintainable in the present form ? OPR 1-2

4. Whether the claimant has no locus standi to file the present petition? OPR

5. Whether the criminal case registered against Gurpal Singh has since been cancelled? if so its effect? OPR 1 and 2

6. Relief”

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. The learned counsel for the appellant/claimant contends that the learned Tribunal erred in dismissing the claim petition only on the ground that the appellant/claimant has failed to prove that accident in question occurred due to rash and negligent driving of offending vehicle. Therefore, he prays that the present appeal be allowed.

7. *Per contra*, learned counsel for respondent-Insurance Company, however, vehemently argues on the lines of the award dated 13.05.2002 and submits that the claim petition has rightly been dismissed by the learned Tribunal. Therefore, he prays for dismissal of the appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. The relevant portion of the award reads as under:-

“8. In order to prove the factum of accident and receipt of injuries by claimant himself stepped into witness box as



AW I and narrated the entire story in verbatim as stated in the petition, which need not to be reproduced. But, the claimant has failed to produce any eye-witness in support of his case.

9. The counsel for the claimant has argued that the claimant received injuries in the accident which was caused by respondent Gurpal Singh while driving Tata Sumo bearing registration No. HR-01F-0270 in rash and negligent manner. When the complainant was subjected to cross examination he admitted that DSP Hoshiarpur conducted an enquiry into the criminal case, but he denied that enquiry report revealed that the vehicle had in-fact struck against a buffalo. On the other hand, number of documents have been placed on the file by the respondents in the shape of cancellation a report Ex R.7, representation made by Gurpal Singh respondent to S.S.P Ex R.8, enquiry report by DSP (D), Hoshiarpur Ex R.9 and Ex R.11 vide which the report submitted by accepted the police falsify the version of the complainant and canceling the FIR was accepted. All this leave no manner of doubt that the version as given by the claimant does not bears the ring of truth and it is a pack of lies. On the other hand, the respondent Gurpal Singh entered into the witness box and deposed that no accident took place with the vehicle driven by him. This witness was subjected to cross examination and there is nothing in his cross examination which may show that the vehicle of the respondent Gurpal Singh caused any accident which caused injuries to the claimant. So, issue No. 1 is decided against the claimant and in favour of respondents.”

10. A perusal of the impugned award reveals that the learned Tribunal has duly appreciated the evidence on record and rightly concluded



that the claimant/appellant has failed to establish that the accident in question was the result of rash and negligent driving of vehicle bearing registration No. HR-01F-0270 by Gurpal Singh (respondent-driver).

11. Though the appellant/claimant entered the witness box as AW-1 and reiterated the version set out in the petition, his testimony did not inspire confidence, being shaken in cross-examination and remaining uncorroborated by any independent witness. On the contrary, the documentary evidence produced by the respondents, particularly the cancellation report Ex. R-7, the representation Ex. R-8 and the enquiry report of the DSP Ex. R-9, categorically demonstrated that the vehicle in question was not involved in the alleged occurrence. The findings of the investigating agency, which culminated in cancellation of the FIR, further belie the version put forth by the appellant/claimant.

12. In such circumstances, the learned Tribunal was justified in holding that the appellant/claimant had failed to discharge the burden of proving rash and negligent driving on the part of the Gurpal Singh (respondent-driver). The conclusions drawn by the learned Tribunal are borne out from the record, suffer from no perversity, and call for no interference by this Court.

13. Resultantly, the appeal, being devoid of merit, stands dismissed.

12.09.2025

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(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No