



FAO-1207-1995 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

S.No.109

FAO-1207-1995 (O&M)
Reserved on : 19.03.2025
Date of decision : 28.5.2025

Ram Kumar

... Appellant

VERSUS

Sat Narain and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Argued by: Mr. Ajay Kumar Yadav, Advocate, for
Mr. R.N.Lohan, Advocate,
for the appellant.

Mr. Raja Sharma, Advocate,
for respondents No.1 and 2.

PANKAJ JAIN, J. (Oral)

Challenge is to the award dated 01.02.1995 passed by Motor Accident Claims Tribunal, Jind whereby the claim petition filed by the appellant under Section 166 of the Motor Vehicles Act, 1988 stands dismissed.

2. Ram Kumar claimant, who is working as a labourer on brick kiln, instituted claim petition seeking compensation on account of injuries suffered by him in a motor vehicular accident involving tractor on 27.03.1993. As per claimant, while he was busy in unloading the tractor trolley loaded with sand, respondent No.3 reversed the tractor without any indication. The claimant suffered fracture of left leg and multiple injuries on the left side of the body. He was taken to Civil Hospital where he remained



hospitalized. Thereafter, he was treated at a private nursing home namely Gupta Orthopaedic Centre where he claimed to have spent a sum of ₹ 30,000/- on his treatment. Along with the claim petition, the claimant preferred application under Section 5 of the Limitation Act seeking condonation of delay in filing the claim petition on the ground that he earlier filed petition under the provisions of the Workmen's Compensation Act at Bhiwani on 19.08.1993. The same was withdrawn on 03.03.1994.

3. The claim petition was contested by respondents No.1 and 2. As per respondents No.1 and 2, they are owners of tractor No.HRY-1394 and are using the same for cultivating their 43 acres of agricultural land. The brick kiln owned by M/s Jain Brothers has a tractor without any registration number. It is the said tractor was driven by respondent No.3. As per the respondents, claimant earlier filed claim petition before the Court of Commissioner under Workmen's Compensation Act at Bhiwani. The claimant conspired with M/s Jain Brothers, owners of the brick kiln and hatched a conspiracy to falsely implicate the respondents.

4. On the basis of the pleadings, following issues were framed : -

1. *Whether any accident as alleged in the petition took place due to rash and negligent driving of respondent no.3, driver of tractor trolley, if so to what effect? OPP*
2. *If issue No.1 is answered in the affirmative whether the petitioner is entitled to any amount of compensation, if so to what amount and from whom? OPP*
3. *Whether the claim petition is time barred? OPR*
4. *Whether the petition is bad for non-joinder and mis-joinder of the necessary parties? OPR*
5. *Relief.*



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5. While deciding issue No.1, the Tribunal relied upon the testimony of Karambir Singh contractor who employed the claimant and was related to the claimant as well. The Tribunal found that once eye witness admitted that the tractor of respondents No.1 and 2 was not involved in any accident and that they have nothing to do with the brick kiln owner and respondent No.3-Mange Ram denied his employment with respondents No.1 and 2, it is doubtful that the tractor owned by respondents No.1 and 2 was involved in the accident. The Tribunal further found that the claimant having withheld the pleadings raised before the Commissioner under Workmen's Compensation Act at Bhiwani, adverse inference has to be drawn against the claimant. The Tribunal, thus, returned findings on issue No.1 against the claimant and dismissed the claim petition.

6. Counsel for the appellant is not in a position to dispute that the claimant admitted in his cross-examination that the accident was not caused by the tractor owned by respondents No.1 and 2. Similarly, eye witness namely Karambir Singh also admitted that the tractor of respondents No.1 and 2 was not involved in any accident and they had nothing to do with the brick kiln.

7. In view of the aforesaid observations made in the award, this Court finds that no fault can be found with the award passed by the MACT, Jind. Finding no merit in the present appeal, the same is ordered to be dismissed.

(PANKAJ JAIN)
JUDGE

May 28, 2025

Paritosh Kumar

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