

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****236****FAO-6778-2016(O&M)
Date of decision: 04.09.2025****Smt. Har Dai****...Appellant(s)****Vs.****Raj Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Yuvraj, Advocate for
Mr. B.S. Tewatia, Advocate
for the appellant.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant against dismissal of her Claim Petition by Motor Accident Claims Tribunal, Palwal (hereinafter 'the learned Tribunal') vide Award dated 07.05.2016 passed in MACT Case No.74 dated 30.05.2015 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act").

2. It was the pleaded case of the appellant that she had been injured in a motor vehicular accident that took place on 27.05.2013 at about 7 pm due to the rash and negligent driving of motorcycle bearing registration No.HR-30K-7742 (hereinafter "the vehicle in question") by respondent No.1. The vehicle in question was owned by respondent No.2 and insured by



respondent No.3. However, upon appraisal of the pleadings and oral & documentary evidence adduced by the parties, the learned Tribunal concluded that the appellant had been unable to prove that the accident had been caused by the rash and negligent driving of the vehicle in question by respondent No.1; or that the injuries suffered by her were sustained by her were the result of the said accident.

3. Learned counsel for the appellant submits that the learned Tribunal was in patent error in passing the impugned Award as it failed to appreciate that son of the appellant had witnessed the accident and had noted down the registration number of the vehicle in question. It is submitted that the learned Tribunal has not considered the evidence that her son Mehar Chand had witnessed the accident and had noted down the registration no. of the vehicle in question. It is submitted that the claimant had stated that she had become unconscious after the accident and her son has disclosed about the registration number of the vehicle in question to her. It is contended that this is sufficient to prove the case. The Award passed by the learned Tribunal is without considering these material facts of the case duly proved on record. It is therefore prayed that present appeal be allowed; the Award dated 07.05.2016 passed by the learned Tribunal be set aside.

4. No other argument is made on behalf of the appellant.

5. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions of the appellant.



6. Perusal of record of the case shows that there was unexplained delay of 16 days in lodging the FIR. Moreover, admittedly, respondent No.1 has been acquitted of the charges in FIR No.117 dated 12.06.2013 registered under Sections 279 and 337 IPC. In the said FIR, the present claimant and her eyewitness son had not supported the version of the prosecution in the criminal case. It was found by the learned Tribunal that even as per the sworn deposition of the claimant (Ex.PW3/A), the involvement of the respondent No.1 or the vehicle in question was not proved in the accident in question. Moreover, in her cross-examination, the claimant had stated that she got unconscious and her son had disclosed the registration number of the offending vehicle. However, her son, the alleged eyewitness has not been examined before the Tribunal.

7. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

8. In view of the above, present appeal is **dismissed**.

9. Pending application(s) if any also stand(s) disposed of.

04.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No