



FAO-4062-2018

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

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FAO-4062-2018

Date of decision: 30.07.2025

KIRNA RANI AND OTHERS

...Appellants

Versus

BALRAM AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: None.

HARPREET KAUR JEEWAN, J.

1. On 15.02.2019, 26.07.2019, 11.12.2019 and 27.07.2022, there was no representation on behalf of the appellants. Thereafter, Mr. Kamal Kumar Yogi, Advocate had appeared as Legal Aid counsel on behalf of the appellants.
2. Today, there is no representation on behalf of the appellants.
3. I have perused the paper-book.
4. The appellants filed claim petition for grant of compensation regarding the death of Vachitar Singh in a motor vehicular accident, which took place on 21.10.2015 due to rash and negligent driving of respondent No.1 while driving car bearing registration No.HR-01 AJ-7350. All the respondents including Insurance company contested the petition. Issues were framed and parties led their respective evidence.
5. The claim petition was dismissed by the Motor Accident Claims



Tribunal, Ambala vide order dated 01.11.2017.

6. The Tribunal framed Issue no.1, which reads as under:

"(1)Whether an accident took place on 21.10.2015 at about 07.15 A.M. in the area of near Ghotra Palace, Ambala Hisar road, due to rash and negligent driving of Car bearing registration No. GR-01AJ-7350 being driven by respondent No.1, resulting into death of Vachitar Singh and causing injuries to Gurjant Singh, as alleged?"

7. The Tribunal returned the findings against the appellants on the aforesaid issue by making the following observations:

8. The accident occurred on 21.10.2015. On the said date, PW3 Om Parkash lodged DDR No.8 dated 21.10.2015 (Ex.RA) at 11.00 A.M. with P.P. No.5, P.S. Ambala City which reads as under:-

"At about 11.00 A.M. it is recorded that HC Satpal Singh has come present from GH Ambala City with a statement of Om Parkash written by ASI Swaran Kumar which is as under:

Statement of Sh. Om Parkash S/o Sh. Ajmer Singh, caste Jat R/o Village Muzaffra, P.S. Naggal.

Today at 5.30 A.M. stated that I am resident of aforesaid address and is an agriculturist. Today in the morning at about 5.30 A.M. my nephew Vichitar Singh S/o Kulwant Singh R/o aforesaid address had come for dropping his father in Anaj Mandi, Ambala City. At about 7.30 A.M. I received information from the hospital on telephone that Vichitar Singh had met with an accident and we should reach at the earliest. On this I along with other family members reached GH, Ambala and found that my nephew Vichitar Singh has died on account of injuries received in accident. Thereafter I and my relatives enquired and found that my nephew Vichitar Singh was returning from Anaj Mandi to his home after dropping his father on his motorcycle No. HR-07K-1063 make Splendor at about 7.15 A.M. When he reached near Chotra Palace, Housing Road, then suddenly something came in front of him and in order to save it and himself, he hit in a motorcycle coming from the front side. The number of the same is HR-01AB-3512 and the name of its driver is Gurjant Singh who has also received injuries in this accident. The present



accident has occurred as something came suddenly in front of him and in order to save it.

Due to the injuries, Vichitar Singh died....."

9. While stepping into the witness box as PW3, Om Parkash has stated in his cross-examination that he did not lodge any DDR or FIR relating to this incident with the police authorities. At the first instance, he denied that he had lodged aforesaid DDR No.8 dated 21.10.2015 wherein he had mentioned that the said accident had been caused without the fault of anybody but in the second line, he admitted that the police had recorded his statement on the same day regarding the said accident. The falsity of his statement is further fortified from the fact that he stated in his cross-examination that he had come to know about the accident having been taken place with the offending car after 4-5 days of the accident and he had gone to the police station on the same day when PW2 Joginder Singh had told him the said fact. However, the FIR was lodged after about 27 days of the accident. If PW3 Om Parkash had come to know about the involvement of the car just after 4-5 days of the accident, there was no reason to wait for further 22 days in lodging the FIR, especially when DDR No.8 dated 21.10.2015 was already recorded on his statement. He would have been the first person to go to the police station to say that his earlier statement was not correct and now he has come to know about true facts.

10. It has come in the statement of PW2 Joginder Singh, the alleged eye witness that he had not taken the deceased to the hospital. He did not know as to who informed the ambulance. He was not a summoned witness and was called by the claimants. He did not inform to the police from the date of accident i.e. on 21.10.2015 till 17.11.2015. In his affidavit Ex.PW2/A tendered in his examination-in-chief, he stated that on enquiry, he had come to know about the particulars of deceased and the injured. If it was so, there was no reason for delay in lodging the FIR.

12. In order to better appreciate the facts, this Tribunal also called for the record of trial of FIR No. 357 dated 17.11.2015 under Sections 279/337/304-A IPC P.S. Ambala City. The perusal of the said case file reflects that PW2 Joginder Singh (the alleged eye witness) did not support the case of the prosecution against respondent No.1 in trial and even disowned his documents prepared by the police.

13. The aforesaid facts are sufficient to draw reasonable conclusion that the petitioners have come up with a false version by implicating the offending vehicle of respondent No.2 allegedly driven by respondent No.1. This Tribunal normally considers the factum of registration of FIR and filing of challan as one of the grounds for returning the findings of



rash and negligent driving on the part of driver of offending vehicle but once the glaring infirmity and inherent probabilities are there on the record, the same cannot be ignored. It is true that the standard of proof require in proceedings before the Motor Accident Claims Tribunal is much less than the criminal trial and civil suit but the conscience of the Tribunal is to be satisfied regarding the genuineness of the claim.

14. In the recent time, there has been abundant rise in lodging of fraudulent claims by involvement of insured vehicles to extract compensation from the insurance company. When the involvement of vehicle is in dispute, as in the present case, the claimants are required to prove their case by leading cogent evidence on record, which the claimants have failed to do so.

8. PW-2-Joginder Singh, who is the alleged eye-witness did not give any intimation to the police regarding the accident from 21.10.2015 till 17.11.2015. No doubt the delay in lodging the FIR can be explained but in the present case, there is delay of 27 days in lodging the FIR and PW-3-Om Parkash has stated that he came to know about the accident having taken place with the offending vehicle after 4-5 days of the accident, but he himself lodged the DDR No.8 on the same day the accident took place i.e. 21.10.2015 (Exhibit RA), which falsify the contents of the FIR.

9. In view of the above, the present appeal is devoid of merits.

10. Since there is no representation on behalf of the appellants, it seems that the appellants are not interested in pursuing the present appeal.

11. As such, the present appeal is dismissed for want of prosecution.

(HARPREET KAUR JEEWAN)
JUDGE

30.07.2025

P.Bhatt

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