



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

**223**

**FAO-1797-2008 (O&M)**

**Date of Decision: 18.02.2025**

KRISHNA DEVI AND ORS

.... Appellants

VERSUS

SRI CHAND AND ANR

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Jashan Sekhon, Advocate for  
Mr. Shiv Kumar, Advocate for the appellants.

None for respondent No.2.

**ALKA SARIN, J. (ORAL)**

1. The present appeal has been preferred challenging the award dated 30.11.2007 passed by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as 'the Tribunal') vide which the claim petition filed by the claimant-appellants was dismissed.

2. Brief facts relevant to the present *lis* are that Jagdev aged about 44 years, who had retired from Indian Army and was working as a Security Guard, on 29.06.2005 was returning to his village on his cycle and when he reached M/s Star Wire India Limited, respondent No.1 came on a motorcycle and hit the cyclist – Jagdev – from behind. It was the pleaded case that Bachu Singh was an eyewitness. The FIR was lodged by Bhagwan Singh on 29.06.2005. Respondent No.1 was proceeded against *ex parte*. Respondent No.2-Insurance Company filed its written statement stating that

the motorcycle was not involved. On the basis of the pleadings of the parties the following issues were framed :

1. Whether the accident in question occurred due to rash and negligent driving of motorcycle No.HR-29-M-6393 by Sri Chand – respondent No.1 ? OPP
2. Whether the petitioners are entitled to compensation ?  
If so how much and from whom ? OPP
3. Whether the petitioners have no *locus standi* or cause of action to file the present suit ? OPR
4. Whether respondent No.1 has violated the terms and conditions of insurance policy ? OPR2
5. Whether the petitioners are estopped from filing the present petition ? OPR
6. Relief

3. The claimant-appellants in order to prove their claim examined Bachu Singh as PW-2 who stated that he was the eyewitness to the accident and that he had stopped his vehicle and went to the site of the accident and on his asking the driver of the motorcycle disclosed his name as Sri Chand son of Hari Singh. He further stated that a crowd collected there and the motorcyclist managed to slip from the site of the accident. It was further stated that on the next day he had gone to the spot and found the police and had given them the name and address and that he was called to the Police Station on 20.08.2005 and that his statement was Ex.P-10. The said witness admitted that he had not gone to the Police Station. The claim petition was

dismissed by the Tribunal disbelieving the statement of Bachu Singh vide impugned award dated 30.11.2007.

4. Learned counsel for the claimant-appellants would contend that the accident took place on 29.06.2005 and the details of the motorcyclist were given on 20.08.2005 and that the statement of Bachu Singh was also recorded which was produced on the record as Ex.P-10.

5. Heard.

6. In the present case though it had been stated by Bachu Singh, while appearing in the witness box as PW-2, that he was the eyewitness to the accident, however, he had further stated that he had informed Bhagwan Singh regarding the registration number of the motorcycle and the name of the rider of the motorcycle, however, the same did not find mentioned in the FIR and it was only on 20.08.2005 when his statement was alleged to have been recorded i.e. two months after the incident that the registration number of the vehicle and name of the rider of the motorcycle surfaced. Even the statement of Bachu Singh Ex.P-10 does not bear any date. Learned counsel for the claimant-appellants has not been able to convince this Court regarding the involvement of the motorcyclist. There is no explanation given as to why Bhagwan Singh did not supply the registration number of the motorcycle to the Police.

7. In view of the above, I do not find any merit in the present appeal and the same being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

**18.02.2025**

*Aman Jain*

NOTE:

*Whether speaking/non-speaking: Speaking*

*Whether reportable: Yes/No*

**(ALKA SARIN)**

**JUDGE**