

IN THE COURT OF SH. SUNIL KUMAR: PRESIDING OFFICER
MOTOR ACCIDENT CLAIMS TRIBUNAL - 01
NORTH DISTRICT, ROHINI COURTS, DELHI

MACT No.292/18
CNR No. DLNT0100 4242 2018
FIR no. 608/17
PS: NIT, Distt. Faridabad (outstation)

Ms. Jyoti Sahani
(mother of deceased Sana Sahni)
W/o Late Sh. Ajay Sahani
R/o H-3/16, Model Town-2,
Dr. Mukherjee Nagar,
Delhi.

Versus

1. **Mohinder Singh (Owner / Respondent no. 1)**
S/o Hazara Singh
2. **Maninder Singh (Driver / Respondent no. 2)**
S/o Mohinder Singh

Both R/o H. No. 202, Galari Tower No. 7
Omex Hill, Sector-43,
Surajkund, Faridabad (Haryana).

DATE OF INSTITUTION	:	03.05.2018
DATE OF JUDGMENT	:	24.03.2026

Since no compensation has been awarded to the petitioners and petition is being dismissed, no proforma is being filled up.

Order/Judgment.

1. Vide this order I shall dispose off the present claim petition filed under Section 166 and 140 of The Motor Vehicle's Act, 1988 (in short 'M.V. Act') by legal heirs of the deceased (in short 'petitioners') seeking compensation from Mohinder Singh Singh (in short 'respondent no. 1') and Maninder Singh (in short 'respondent no. 2'), who are owner and driver of the vehicle i.e. Ford Figo Car bearing registration no. DL1CP 2544 (in short 'vehicle in question').

2. Brief facts of the accident, as per petitioners are that on 25.12.2017 at about 4:00 p.m. Sanah Sahani @ Sana Sahni (deceased) was going in vehicle bearing No. DL1CP 2544. The said vehicle was driven by its driver at a very fast speed, rashly and negligently and when the said vehicle reached Near Bhadkhal Jheel Chowk, Near Sector-21D, NIT Faridabad, Haryana, due to high speed the driver (respondent no. 2) of the said vehicle lost control over the vehicle and hit against a tree with great force. Due to this forceful impact Sanah Sahani @ Sana Sahni sustained fatal injuries in the said accident. It is further stated that this accident was caused due to rash and negligence on the part of driver (respondent no. 2) of vehicle bearing No.DL-1CP-2544.

3. Contending that said accident took place due to rash and negligent driving of vehicle in question by respondent no. 2 and owned by respondent no. 1, petitioners filed the present claim petition and claimed a sum of Rs. 50 lakhs, as compensation from the respondents along with interest @ 18% per

annum from the date of filing claim petition, till realization of amount. An interim award of Rs.50,000/- has also been prayed for under Section 140 of the M. V. Act.

4. Notice of the claim petition was issued to both the respondents. Accordingly, the claim of petitioners contested by both the respondents. Respondents no. 1 and 2 have filed their separate written statement taking similar plea that driver / respondent no. 2 was driving the vehicle smoothly, carefully and not at very high speed, rashly and negligently and when the vehicle reached near Badkal Chowk Faridabad, one unknown driver of a vehicle (Canter) came rashly and negligently from the back side and gave a sudden cut towards Ford Figo and due to this sudden cut, the unknown vehicle (Canter) hit the front portion Ford Figo car and it became dis-balanced and though respondent no. 2 tried his best to save his vehicle but the vehicle hit a tree and accident occurred and hence there is no negligence on the part of respondent no. 2.

5. After completion of pleadings, following issues were framed by the Ld. Predecessor of this Tribunal vide order dated 24.09.2019: -

1. **Whether Sanah Sahni @ Sana Sahni (victim) died due to vehicular accident occurred on 25.12.2017 at 04:00 pm near Bhadkhal Jheel Chowk, Sector-21D, NIT Faridabad, Haryana due to rash or negligent driving of vehicle no.DL-1CP-2544 by Maninder Singh (respondent no.2)? OPP.**
2. **Whether petitioners are LR's of said victim and entitled to compensation, if so, what amount and from whom of respondents? OPP.**
3. **Relief.**

6. In order to prove the claim, petitioner, who is mother of deceased examined herself as PW1 and tendered her evidence by way of affidavit Ex.PW1/A. ASI Harbir has also been examined by the petitioner as PW2. Respondent no. 2 examined himself as R2W1 and also examined RW-2 Vikas Sharma.

7. I have heard final arguments advanced on behalf of petitioner and respondents and gone through the file carefully.

ISSUE NO. 1

Whether Sanah Sahni @ Sana Sahni (victim) died due to vehicular accident occurred on 25.12.2017 at 04:00 pm near Bhadkhal Jheel Chowk, Sector-21D, NIT Faridabad, Haryana due to rash or negligent driving of vehicle no.DL-1CP-2544 by Maninder Singh (respondent no.2)? OPP.

8. Before holding that the petitioners are entitled for any compensation, they have to prove first that the said accident has been caused due to rash and negligent driving of respondent no. 2 and deceased sustained fatal injuries due to such accident. Though, to prove the same, PW1, being mother of deceased examined herself as PW1 and filed her evidence by way of affidavit Ex. PW1/A and reiterated the averments of claim petition but admittedly, PW1 is not eye-witness of accident. Petitioners have also examined PW2 ASI Harbir, who brought the summoned record Ex. PW2/1 running into 48 pages (colly). In his cross examination, PW2 stated that he was IO of case FIR no. 608 dated 25.12.2017 registered under Section 279/337/304A IPC and the FIR was registered on the information given by Smt. Jyoti Sahani wife of Late Ajay Sahani R/o H-3/16, Model Town Phase-2, New Delhi. He recorded the statement of Smt. Jyoti Sahani, which

she signed after going through the same, he also recorded statements of Sh. Rajan son of Sh. Jagdish Chandra Punjab R/o H. No. B-1/140, Paschim Vihar, New Delhi, Smt. Pooja Guglani wife of Sh. Deepak Guglani R/o Shivaji Enclave, New Delhi, who were relatives of the complainant Smt. Jyoti Sahani. Before lodging FIR Smt. Jyoti Sahani went to the spot of accident, made inquiries and fully satisfied with the facts mentioned in the FIR. The relatives of Smt. Jyoti Sahni were also went on the spot of accident. PW2 admitted it correct that despite his best efforts the offending canter and its driver could not be traced out and in the statements of witnesses, no negligence or rash driving of Maninder Singh has come on record. The relevant portion of the statement of petitioner Jyoti Sahani, which was recorded by police reads as under

“We have enquired about the accident on spot and it seems that driver of some unknown vehicle hit the car of Mahinder Singh due to which car of Mahinder Singh got dis-balanced and met with accident”

9. Admittedly, the petitioners herein have not taken action against the respondent no. 2 for causing the accident despite having the opportunity as the matter was reported to the police and mother of victim herself stated that none is responsible for the accident and as the same occurred due to negligence of some unknown vehicle. Therefore, it cannot be held that deceased died due to rash and negligence driving of vehicle in question driven by the respondent no. 2, wherein victim was sitting as occupant. Accordingly, negligence of the respondent no. 1 could not be proved on record.

The issue no. 1 is decided accordingly, holding that negligence on the part of respondent no. 1 could not be proved on record.

ISSUE NO. 2

**Whether petitioners are LR's of said victim and entitled to compensation, if so, what amount and from whom of respondents?
OPP.**

10. As held above, no negligence is found on the part of respondent no. 2 and hence petitioners are not entitled to get any compensation from the respondents.

The issue no. 2 is decided accordingly holding that petitioners are not entitle for any compensation.

ISSUE NO. 3 (RELIEF)

11. In view of the above findings, no relief is granted to the petitioners and claim petition is dismissed accordingly.

File be consigned to record room.

**ANNOUNCED IN THE OPEN
COURT ON 24.03.2026**

**(SUNIL KUMAR)
PO:MACT-01, NORTH, ROHINI, DELHI**