

MACP-322 of 2019
Sumit Vs. Deepak and Ors.

In the Court of Dr. Bhupender Kumar, Motor Accident Claims Tribunal, Rohtak (UID No.HR0685)

HRRH010098982019



MACP CIS No. 322 of 2019
MACT Case No.189 of 2019/2020
Date of Institution: 15.10.2019/28.02.2020
Decided on :06.07.2026

Sumit Age: 30 Years S/o Sh. Ram Kishan, R/o Village & Post Office Samchana, Tehsil Sampla, District Rohtak.

----Claimant

Versus

1. Deepak S/o Sh. Ved Singh R/o Village Barona Tehsil Kharkhauda District Sonipat (Driver of Bolero Maxitruck Plus No. HR-63D-0734).
2. M/s Sleek Brake Products, # Dehkora Sampla Road, Village Dehkora Tehsil Bahadurgarh District Jhajjar-125476 (Registered Owner of Bolero Maxitruck Plus No. HR-63D-0734).
3. M/s TATA AIG General Insurance Company Ltd. 3rd Floor Sha Complex, Opposite Civil Hospital, Jagadhari Road, Ambala, Haryana-111001.(Insurance Company of Bolero Maxitruck Plus No. HR-63D-0734).

----Respondents.

Claim petition under Section 166 of Motor Vehicle Act, 1988 Amended up to date

Present : Shri R.S.Kataria, Advocate for petitioner.
Respondent No.1 already proceeded against exparte vide order dated 31.05.2022.
Respondent No.2 already proceeded against exparte vide order dated 22.03.2022.
Sh. Sameer Gambhir, Advocate for respondent No.3.

(Dr. Bhupender Kumar)
Motor Accident Claims Tribunal, Rohtak.
UID No.HR0685
06.07.2026

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AWARD

The claimant Sumit has filed this claim petition under Section 166 of the Motor Vehicles Act, 1988 (M.V.Act) to claim compensation, on account of the injuries received in a motor vehicle accident which allegedly took place on 22.06.2019 at about 3:00 P.M. on Dehkora Sampla Road, Police Station Sampla against respondents.

Excerpts from the Petition:

2. The claimant has pleaded that on 22.06.2019, he and Parveen, son of Radhey Shyam, resident of Village Samchana, had gone to Village Dehkora on his motorcycle for some work. Parveen was the pillion rider. While returning from Dehkora to Sampla, they noticed that Joginder, son of Shree Krishan, resident of Village Samchana, was standing on the road/path and signalled them to stop the motorcycle. Consequently, the claimant stopped the motorcycle and parked it on the kacha berm of the roadside. The claimant and Parveen remained seated on the motorcycle, while Joginder stood beside them, and all three started talking.

In the meantime, the driver of a Bolero Maxi Truck came from the Sampla side, driving the vehicle rashly, negligently, and at a high speed, and struck the motorcycle, which was parked on the kacha berm of the road. As a result of the impact, the claimant sustained multiple injuries, while Parveen and Joginder suffered minor injuries and abrasions. It is further averred that the motorcycle fell after the collision.

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Parveen noted the registration number of the offending Bolero as HR-63D-0734. A crowd gathered at the spot after the accident, but the driver of the offending Bolero fled from the scene along with the vehicle.

Thereafter, Parveen and Joginder shifted the claimant to CHC, Sampla, in a private vehicle for treatment. The claimant was administered first aid at CHC, Sampla, and was thereafter referred to PGIMS, Rohtak, for further treatment. He remained admitted at PGIMS, Rohtak, from 22.06.2019 to 08.07.2019, during which he underwent surgery and received other necessary treatment. It is further averred that he remained unconscious for about eight days and is still undergoing treatment.

The claimant further pleaded that he was employed with M/s Shyama Shyam VSK Water Management Private Ltd., 222, First Floor, Block A, Sector-8, Dwarka, New Delhi-110075, and was working as a driver at the Booster Pumping Station of the Delhi Jal Board, Avantika, Rohini, Delhi. He further averred that, besides his employment as a driver, he was also engaged in agriculture, animal husbandry, and dairy farming, earning approximately ₹50,000 per month.

The claimant further averred that he had spent approximately ₹2,00,000 towards hospitalization, doctors' fees, operation charges, and medicines; ₹20,000 towards transportation; ₹15,000 towards attendant charges; and about ₹50,000 on a nutritious diet and fruits up to the filing of the present claim petition. He further pleaded that he is still undergoing

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treatment and continues to incur such expenses. Owing to the injuries sustained in the accident, he has remained absent from duty since 22.06.2019 and may continue to remain absent for some more time. He further averred that his brain and left eye were severely damaged, due to which he is unable to think, concentrate, or see properly and is incapable of continuing his work as a driver. Consequently, he has suffered substantial financial loss, including loss of future prospects and promotional opportunities in service. He further pleaded that he is also unable to carry out agricultural work, dairy farming, or animal husbandry.

It is further averred that the accident in question occurred solely due to the rash and negligent driving of the Bolero Maxi Truck by Respondent No.1 at a high speed. Respondent No.1 was the driver of the offending vehicle and caused the accident while driving it rashly and negligently. Respondent No.2 was the registered owner of the offending vehicle at the relevant time, and Respondent No.1 was driving the said vehicle during the course of his employment under Respondent No.2. The claimant further averred that the offending vehicle was duly insured with Respondent No.3 on the date of the accident. Accordingly, all the respondents are jointly and severally liable to pay compensation to the claimant.

It is further averred that the FIR was registered on the basis of the statement made by Parveen.

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The claimant has sought compensation of ₹50,00,000, along with interest at the rate of 18% per annum from the date of the accident until its final realization. The respondents are jointly and severally liable to pay the said amount. The claimant has also prayed for the grant of interim compensation of ₹50,000.

3. It is pertinent to mention here that during the trial proceedings respondent No.2 and respondent No.1 have not come present despite service. Hence they were proceeded against ex parte vide order dated 22.03.2022 and 31.05.2022 respectively.

Stand of respondent no.3.

4. Respondent no.3 contested the petition by filing the separate written statement denying the factum of alleged accident. It is submitted that the accident did not take place with the vehicle Bolero bearing registration no. HR-63D-0734 in question driven by respondent no.1 who was neither rash nor negligent while driving the said vehicle and was not involved in the alleged accident. It was further pleaded that a false and fabricated FIR has been registered in this case against respondent no.1 and at the instance of interested person who were not the eye witness of the alleged accident. It is submitted that the alleged offending vehicle in question was being driven by respondent no.1 at the time of the alleged accident without any valid and effective driving licence and registration certificate and other documents violation of law. He further pleaded that the answering respondent take all the pleas under Section 134(C), 147, 149

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& 158(6) of M.V.Act and under Section 64 VB of Insurance Act available to it and the petitioner may be dismissed, if it is found that there is contravention of the provision of said sections. He further pleaded that the answering respondent craves leave under Section 170 of M.V.Act, 1988 to take all the defense available under M.V.Act of 1988 to the respondents i.e. owner and driver at any stage of the case. He further pleaded that present petition is not maintainable in its present form and petitioner has no locus standi to file the present petition. Rest of the claim petition were denying and a prayer for the dismissal of the claim petition.

5. From the pleadings of the parties, following issues were framed on 31.05.2022:

1. **Whether the accident in question occurred due to rash and negligent driving of vehicle i.e. Bolero Maxitruck Plus bearing registration No. HR-63D-0734 by respondent No.1 ?OPP**
2. **If issue No.1 is proved, whether Sumit son of Ram Kishan had died due to injuries sustained by him in the abovesaid accident, if so to what amount of compensation and from whom the petitioner is entitled to?OPP**
3. **Whether the respondent No.1 was not holding a valid and effective driving license on the date of alleged accident and the respondents No.1 & 2 has violated the terms and conditions of the Insurance Policy, as alleged?OPR-2**
4. **Relief.**

Regarding issue No. 2, it came to the knowledge of this Tribunal that this

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issue was inadvertently framed because this petition is related to compensation regarding injury sustained by Sumit. This fact was brought in the knowledge of counsels and accordingly modified.

Issue No. 2

“ If issue No. 1 is proved, whether Sumit son of Ram Kishan sustained injuries in the abovesaid accident, if so to what amount of compensation, the claimant is entitled and from whom? OPP”

6. To establish their claim through these enquiries, claimant examined Parveen as PW1 who tender his affidavit (Ex.PW1/A) and tender documents copy of FIR as Ex.P1.

7. Claimant further examined Dr. Hyoti Deshwal, Associate Professor Eye Department, PGIMS, Rohtak who deposed that he has seen the disability certificate of claimant Sumit which was issued by the Medical Board. She further deposed that she was the member of the Board and she is Eye-Specialist. She proved the Disability Certificate of claimant as Ex.PW2/A as per which the visual disability of the patient is 30%. She further deposed that due to this disability suffered by the petitioner he is unfit for Driving Licence.

8. Claimant examined himself as PW3 who tender his affidavit Ex.PW3/A and proved copy of challan as Ex.PWw3/B, medicines bills as Mar-A to Mark-H.

9. Claimant further examined Pala Ram, MRC (Medical Record Clerk) at PGIMS, Rothak who deposed that he has brought the summoned record and proved treatment file of claimant Sumit as CR No. 55572/2019

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and UHID No. 130022076223 which is Ex.PW4/A and the same are correct as per record.

10. Claimant further examined Ravinder as PW5 who tendered his affidavit Ex.PW5/A.

11. It would be apposite to elaborate the documentary evidence which has been tendered on record. They are indicated in Table No.1 as below:-

“Table No.1”

Sr. No.	Exhibits	Documents
1.	Ex.P1	Copy of FIR No.431 dated 08.08.2017 under Sections 148,149,302,324 IPC Police Station Sampla.
2.	Ex.PW2/A	Disability Certificate of claimant Sumit
3.	Ex.PW3/B	Copy of report under Section 173, Cr.P.C. bearing FIR No. 302 dated 02.07.2019 under Sections 279,337,338 IPC Police Station Sampla.
4.	Mark-A to Mark-H	Medicines Bills
5.	Ex.PW4/A	Short Stay File bearing CR No. 55572/2019 and UHID No. 130022076223 of claimant Sumit
6.	Ex.P1	ECG Report of claimant
7.	Ex.P2	Slip issued by Regional Institute of OphthaImology Pt. B.D.Sharma, PGIMS, Rohtak of claimant
8.	Ex.P3	Report from Dr. Vaibhav Gulia MBBS, MD Radio Diagnosis of claimant Sumit
9.	Ex.P4	Report of claimant Sumit issued by Regional Diagnostic Centre, Ch. Ranbir Singh OPD, A Wing, Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak. Haryana.
10.	Mark-a to Mark-H	Out Patient Card of claimant Sumit
11.	Mark-I & J	Bill of Manipal Health Map diagnostics Private

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		Limited.
12.	Mark-L	Report from Dr. Vaibhav Gulia MBBS, MD Radio Diagnosis of claimant Sumit

Thereafter, Learned counsel for claimant suffered a separate statement that after tendering documents i.e. Mark-A to Mark-L and Ex.P1 to Ex.P4 into his evidence and closed evidence on behalf of claimant vide order dated 23.12.2025.

12. On the other hand, Respondents have not examined even a single witness in his evidence.

Learned counsel for the respondent No.3 after tendering documents on the record i.e. copy of Insurance Policy as Ex.R1 and closed evidence on behalf of respondent no.1 vide his separate recorded statement on dated 12.03.2026.

13. No evidence in rebuttal was present. Learned counsel for the petitioner tender document i.e.c copy of Driving Licence of injured Sumit as Mark-X and copy of FIR No.302 dated 02.07.2019 under Section 279,337 IPC P.S. Sampla as Mark-Y into rebuttal evidence and close rebuttal evidence case on behalf of petitioner vide his separate recorded statement of even date i.e. 06.07.2026.

Arguments advanced by learned counsel for the claimant:-

14. Learned counsel for the claimant submitted that compensation to the tune of ₹50 lakhs should be awarded for the injuries sustained by the claimant, Sumit, in the motor vehicle accident. It was

further prayed that interim compensation of ₹50,000 be awarded. Reliance was placed upon the judgment in **National Insurance Co. Ltd. vs. Pranay Sethi and Others, 2017 (4) RCR (Civil) 1009.**

It was further submitted that the documentary as well as oral evidence adduced on behalf of the claimant is cogent, convincing, and unequivocal, clearly establishing that the claimant sustained injuries due to the rash and negligent driving of Respondent No.1. Consequently, the claimant is entitled to compensation under the various heads claimed in the petition.

Arguments advanced by learned counsel for respondent No.3:

15. Learned counsel for Respondent No.3 contended that the present claim petition is not maintainable. It was submitted that a false FIR had been registered against Respondent No.1 and that the driver of the alleged offending vehicle was not involved in the accident but had been falsely implicated by interested persons.

It was further contended that the offending vehicle was being driven by Respondent No.1 without a valid and effective driving licence, registration certificate, or other requisite documents, in violation of the provisions of law. It was also submitted that the claimant's version of the accident appears to be fabricated and that the FIR itself is suspicious and unnatural.

It was additionally argued that the insurance company is not liable to pay any compensation, as there was a breach of the terms and

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conditions of the insurance policy. According to the insurance company, the driver of the Bolero Maxi Truck Plus bearing registration No. HR-63D-0734 did not possess a valid and effective driving licence, route permit, fitness certificate, or road tax certificate at the time of the alleged accident.

It was further submitted that the claimant had impleaded Respondent No.3 merely by asserting that the offending Bolero was insured with it, without furnishing any particulars of the insurance policy. Accordingly, learned counsel prayed that the present claim petition be dismissed with heavy costs.

16. I have heard the learned counsel for the claimants as well as learned counsel for respondent No.3 who have argued as per their respective pleas and have gone through the record meticulously. My findings on various issues are as under:-

ISSUE No.1:

17. The onus to prove this issue was upon the claimant and therefore, it was incumbent upon him to establish that the accident in question which resulted into sustained injuries of claimant actually took place due to rash and negligent driving of offending vehicle i.e. Bolero MaxiTruck Plus No. HR-63D-0734.

18. It was also upon them to establish by way of balance of probabilities that the alleged offending vehicle in question was being driven by respondent No.1, on the fateful day of occurrence.

19. At the outset, it needs to be noted that the proceedings before the Motor Accident Claims Tribunal are summary in nature and the Tribunal is not required to scrutinize the evidence in the manner as is done in civil or criminal cases. Hon'ble Punjab and Haryana High Court in **Lekhu Singh and others versus Uday Singh and others, 2007(4) PLR 507** has held that while considering a claim petition, the Tribunal is required to hold an inquiry and not act as a criminal court so as to find whether the claimants have established the occurrence beyond shadow of any reasonable doubt. In the inquiry, if there is prima-facie evidence of the occurrence, there is no reason to disbelieve such evidence.

Similar view has also been recorded by the Hon'ble Supreme Court in **Kusum Lata versus Satbir Singh 2011(2) Apex Court Judgments 241**, it has been categorically held that in a claim petition, the claimants are required to establish their case on the touch stone of preponderance of probability.

20. The Hon'ble Apex Court in ***Janabhai and Others Vs. M/s ICICI Lombard Insurance Company Ltd. Civil Appeal No.5220 of 2022 DOD: 10.08.2022*** has held that:-

“While considering a claim petition, the Tribunal is required to hold an inquiry and not act as a criminal court so as to find whether the claimants have established the occurrence beyond shadow of any reasonable doubt. In the inquiry, if there is prima-facie evidence of the occurrence, there is no

reason to disbelieve such evidence”.

21. Recently, the Hon'ble Apex Court in ***Prabhavathi & Ors. Versus The Managing Director, Bangalore Metropolitan, Transport Corporation Civil Appeal No.3465 of 2025 DOD: 28.02.2025*** held that:

“It is settled law that under M.V.Act 1988 it is established that in compensation cases the strict rules of evidence used in the criminal trial do not apply. Instead, the standard of proof is based of preponderance of probability”.

22. Reliance can also be placed upon **Mathew Alexander Vs. Mohd. Shafi Civil Appeal No.1931 of 2023 DOD 13.07.2023.**

23. This court also placed reliance on the recent case titled as ***Sajeena Ikhbal Vs. Mini Babu George (2024)10 SCR 786 DOD 17.10.2024***, wherein it has been held by Hon'ble Apex Court that:

“The petitions under Motor Accident Claims Tribunal have to be adjudicated on basis of principle of preponderance of probability. It was also held that all evidence should be evaluated and there should be avoidance to solely rely on procedural deficiencies in police investigations”.

24. This Tribunal has carefully considered the submissions advanced by learned counsel for the claimant. However, the Tribunal is not persuaded to hold that the claimant has succeeded in leading reliable, cogent, and convincing evidence sufficient to establish his version of the alleged occurrence.

25. **PW1 Parveen** deposed that on 22.06.2019, he and the petitioner had gone to Village Dehkora for some work on the petitioner's motorcycle bearing registration No. HR-95-5029. The petitioner was driving the motorcycle and PW1 was the pillion rider. While returning from Dehkora to Sampla, they noticed Joginder, son of Sh. Krishan, resident of Village Samchana, standing on the road and signalling them to stop. Consequently, the petitioner stopped the motorcycle and moved it onto the kacha berm alongside the road. The petitioner and PW1 remained seated on the motorcycle while Joginder stood beside them, and all three started conversing.

26. In the meantime, a Bolero Maxi Truck Plus allegedly came from the Sampla side at a high speed and in a rash and negligent manner. It allegedly veered onto the kacha berm on the wrong side of the road and struck the stationary motorcycle. As a result of the impact, the petitioner sustained multiple injuries, while PW1 and Joginder suffered minor injuries and scratches. The motorcycle also fell due to the collision. PW1 stated that he noted the registration number of the offending vehicle as HR-63D-0734. A crowd gathered at the spot, and the driver allegedly fled from the scene with the vehicle.

27. According to PW1, he and Joginder shifted the petitioner to CHC Sampla in a private vehicle, where first aid was administered. The petitioner was thereafter referred to PGIMS,

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Rohtak, where he remained admitted from 22.06.2019 to 08.07.2019 and underwent surgery and other medical treatment.

28. PW1 further deposed that after informing the petitioner's relatives and upon learning that the petitioner had not regained consciousness, he submitted an application to the police, pursuant to which FIR No. 302/2019 was registered at Police Station Sampla under Sections 279 and 337 IPC.

29. PW3/claimant Sumit also stepped into the witness box and deposed on similar lines. He stated that on 22.06.2019, he and PW1 Parveen had gone to Village Dehkora on his motorcycle bearing registration No. HR-95-5029. While returning, they met Joginder, who signalled them to stop. Thereafter, he parked the motorcycle on the kacha berm of the road, where all three were conversing when the offending Bolero Maxi Truck Plus allegedly came at a high speed, being driven rashly and negligently, and struck the motorcycle after moving onto the wrong-side kacha berm.

He further deposed that he sustained multiple injuries, while PW1 and Joginder suffered minor injuries. According to him, PW1 noted the registration number of the offending vehicle as HR-63D-0734. He was taken to CHC Sampla and later referred to PGIMS, Rohtak, where he remained admitted from 22.06.2019 to 08.07.2019.

The claimant further stated that he remained unconscious

for about eight days and continued to undergo treatment. He asserted that the accident occurred due to the rash and negligent driving of respondent No. 1. He further stated that respondent No. 2 was the registered owner of the offending vehicle and that respondent No. 3 was its insurer at the relevant time. Accordingly, all respondents were jointly and severally liable to compensate him.

The claimant further deposed that he had spent approximately ₹2,00,000/- on his treatment up to the filing of the claim petition, which had subsequently increased to approximately ₹3,00,000/-. He also claimed expenditure towards hospitalization, doctors' fees, operation charges, medicines, transportation, attendant charges, and special diet. He stated that he remained absent from work for about six months due to the injuries suffered in the accident and that he had sustained serious injuries to his brain and left eye, rendering him incapable of continuing his work as a driver.

He further claimed that he had become permanently disabled and had lost his employment. Prior to the accident, he was employed as a driver with M/s Shyama Shyam VSK Water Management Pvt. Ltd., Dwarka, New Delhi, and was allegedly earning ₹50,000/- per month from employment as well as agricultural, dairy, and animal husbandry activities. He further deposed that FIR No. 302/2019 was registered at Police Station Sampla regarding the accident and that, upon investigation,

respondent No. 1 was found responsible and was charge-sheeted.

30. The burden of proof squarely rested upon the claimant to establish, on the touchstone of preponderance of probabilities, that the accident in question had occurred due to the rash and negligent driving of vehicle bearing registration No. HR-63D-0734 and that respondent No. 1 was driving the said vehicle at the relevant time.

31. To prove his case, PW1 Parveen stepped into the witness box and tendered his duly sworn affidavit Ex. PW1/A. He was thereafter cross-examined at length by learned counsel for respondent No. 3.

32. Similarly, the claimant himself appeared as PW3 and tendered his duly sworn affidavit Ex. PW3/A. He too was extensively cross-examined. This Tribunal has meticulously examined the testimonies of both witnesses and finds that, although the injured was shifted to the hospital immediately after the accident, the name of PW1 Parveen does not find mention in any of the medical records despite his claim that he accompanied the injured throughout.

33. Further, the FIR was lodged by PW1 Parveen only on 02.07.2019, resulting in a substantial delay. This Tribunal finds merit in the argument advanced by learned counsel for respondent No. 3 that if the injured Sumit was unconscious and unable to lodge the FIR, PW1 Parveen, who admittedly remained conscious throughout and claimed to have noted the registration number of the offending

vehicle, could have reported the matter to the police promptly. However, no cogent or plausible explanation has been offered by either witness for the delay in lodging the FIR.

34. This Tribunal is conscious of the settled position that registration of an FIR is not a condition precedent for maintaining a claim petition under the Motor Vehicles Act, as compensation proceedings constitute an independent remedy. Nevertheless, where there is a substantial delay in reporting the occurrence, it is incumbent upon the claimant to furnish a satisfactory explanation. The claimant has failed to explain why the particulars of the offending vehicle were not disclosed to any authority, including the police, at the earliest opportunity. The burden remained upon the claimant to establish his case on the basis of preponderance of probabilities.

35. During the course of arguments, learned counsel for the claimant submitted that, owing to an inadvertent error, a copy of an unrelated FIR was exhibited as Ex. P1. The exhibited FIR pertains to FIR No. 431 dated 08.08.2017 registered under Sections 148, 149, 302, and 324 IPC at Police Station Sampla. It was argued that the FIR relating to the present accident is otherwise available on the record and may be read in evidence as Ex. P1.

36. This Tribunal has perused the copy of the challan, Ex. PW3/B, to which a copy of the report under Section 173 Cr.P.C. is

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annexed. The said report refers to FIR No. 302 dated 02.07.2019 registered under Sections 279, 337, and 338 IPC at Police Station Sampla. Thus, it is evident that the said FIR pertains to the present accident and copy of the same is Mark-Y.

37. Furthermore, it was always open to the claimant to examine the Investigating Officer so as to bring before the Tribunal a complete and transparent account of the alleged accident and the role of respondent No. 1 therein. However, the claimant chose not to examine the Investigating Officer. Such examination would also have afforded the contesting respondents an opportunity to cross-examine the officer on material aspects of the investigation.

38. Although there is no mandatory requirement that the Investigating Officer must be examined in every MACT case, each case must be assessed on its own facts and circumstances. In the present case, the claimant has failed on several counts to meet the evidentiary standard necessary to shift the balance of probabilities in his favour.

39. Upon examining the entire body of admissible evidence, this Tribunal finds that there are significant gaps and inconsistencies in the testimonies of PW1 Parveen and PW3 Sumit. Their evidence does not inspire confidence and cannot be regarded as sufficiently reliable to substantiate the claimant's version of events.

40. Consequently, the claimant has failed to satisfy the

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evidentiary threshold necessary to establish his case on the touchstone of preponderance of probabilities.

41. Having considered the totality of the evidence and material available on record, this Tribunal is of the view that the claimant's case suffers from material inconsistencies and unsupported assertions. The testimonies of PW1 Parveen and PW3 Sumit do not inspire confidence or satisfy the evidentiary standard required to prove the claimant's case. Accordingly, Issue No. 1 is decided against the claimant.

ISSUE S NO. 2 & 3:

42. In view of the findings on Issue No.1, there arises no necessity to adjudicate upon Issues No.2 and 3. These issues are rendered infructuous and are disposed of accordingly.

RELIEF:

43. Undoubtedly, it is unfortunate that young mans sustained injuries in a road accident. While monetary compensation under the Motor Vehicles Act is designed to provide solace to genuine victims, it must not serve as an undeserved benefit to those who fail to establish the foundational facts of their claim. The MV Act is a beneficial legislation, but it is also essential to ensure that compensation is granted only in rightful cases, based on credible and cogent evidence.

44. Since the claimant has failed to prove the foundational facts

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necessary for maintaining the present petition, the claim petition is liable to be dismissed.

45. Resultantly, the present claim petition stands dismissed. No order as to costs. Memo of costs be prepared. File be consigned to the records, after due compliance.

Ahlmad is directed that the file for consignment should be prepared as per clauses 3, 4, 5 and 6 of Chapter 16F Volume-IV of High Court Rules and Orders (i.e. arranging the files in Part A & B) so that the record which is to be destroyed/weeded out shall be kept separately from the initial stage. Reader/Ahlmad are also directed to prepare the list of the witnesses and exhibits, if any, at the end in an annexure form as per clause(9) of Rule 2 of Chapter 11, Volume-I, Part A of the Rules and Orders of Punjab and Haryana High Court.

Pronounced in open Tribunal.
Dated:-06.07.2026.
S.Jain

(Dr. Bhupender Kumar)
Motor Accidents Claims Tribunal,
Rohtak.
(UID No. HR-0685)

Note: This Award contains 21 pages and all the pages are checked and signed by me.

(Dr. Bhupender Kumar)
Motor Accidents Claims Tribunal,
Rohtak.(UID No. HR-0685)