

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2754/2022

1. Smt. Subhita W/o Shri Maniram, aged about 49 Years, R/o Govindpura, Tehsil and District Jhunjhunu (Raj.)
2. Maniram S/o Naurangram, aged about 51 Years, R/o Govindpura, Tehsil and District Jhunjhunu (Raj.)

----Appellants

Versus

1. Salim S/o Chhotu Khan, R/o Gusaiyo Ka Mohalla, Merta City, P. Station Merta City, District Nagaur (Raj.). (Driver Of Vehicle Truck No. RJ-07-GA-6224)
2. Mohammad Salim S/o Safi Mohammad, R/o Sangam Vihar Colony, Merta City, Station Merta City, District Nagaur (Raj.). (Owner Of Vehicle Truck No. RJ-07-GA-6224)
3. Universal Sompo General Insurance Company Limited, Branch Office Ground Floor And Basement, 29-B, White Sapphire Apartments Govind Marg, Adarsh Nagar, Jaipur-302004 Through Branch Manager. (Insurance Company Of Vehicle Truck No. RJ-07-GA-6224).

----Respondents

For Appellant(s)	:	Mr. Santosh Kumar Soni
For Respondent(s)	:	Mr. Virendra Agarwal

JUSTICE ANOOP KUMAR DHAND

Order

13/02/2026

1. The instant appeal has been preferred against the impugned judgment and award dated 01.06.2022 passed by the Motor Accident Claims Tribunal, Jhunjhunu (for short, 'the Tribunal') by which the claim petition submitted by the claimants-appellants (for short, 'the claimants') has been rejected.

2. Counsel for the claimants submits that on the date of incident i.e. 30.06.2019, the deceased-Sushil Kumar was walking from his house to Nabipura but on the way the driver of the truck bearing No. RJ07-GA-6224 caused the accident by driving the aforesaid truck in a rash and negligent manner wherein the deceased-Sushil Kumar was grievously injured and thereafter, he was taken to a hospital for treatment where he died. Counsel submits that the accident has occurred because of the negligent driving of the truck driver i.e. respondent No.1. Counsel submits that FIR No. 52/2019 was registered with the Police Station Mandawa District Jhunjhunu wherein after investigation, charge-sheet was submitted. Counsel submits that a claim petition was submitted by the claimants seeking compensation on account of death of the deceased-Sushil Kumar but the same was rejected on a technical count that the number of the offending vehicle was not mentioned in the FIR. Counsel submits that the incident occurred on 30.06.2019 and the informant Sardar Singh got the information regarding the offending vehicle from the driver of the Ambulance which took the deceased-Sushil Kumar to the hospital. Counsel submits that the informant was not the eye-witness of the incident and the statements of the eye witness AW2-Bhawani Singh were recorded on the next date i.e. 01.07.2019 wherein he mentioned the registered number of the offending vehicle/truck. Counsel submits that this was the precise reason that the registered number of the offending vehicle was not mentioned in the FIR. Counsel submits that once the statements of the eye-witnesses were recorded on the next day of the incident, wherein

the registered number of the offending vehicle was mentioned, then there was no reason or occasion available with the Tribunal to reject the claim petition on this technical count. Hence under these circumstances, interference of this Court is warranted.

3. Per contra, counsel appearing on behalf of the Insurance Company opposes the arguments raised by counsel for the claimants and submits that the instant case is a case of hit and run, hence the number of the vehicle was not mentioned in the FIR. Counsel submits that it appears that the accident has been caused by an unknown vehicle and therefore, the registered number of the vehicle was not mentioned in the FIR. Counsel submits that AW2-Bhawani Singh is not an eye-witness of the incident, rather he reached the spot after the accident. Counsel submits that even in the site plant (Ex. 6), the registered number of the offending vehicle was not mentioned, rather it has been mentioned therein that the accident has been caused by an unknown vehicle. Counsel submits that considering the overall facts and circumstances of the case and the evidence available on record, the Tribunal has rightly rejected the claim petition submitted by the claimants, by recording a cogent reasons finding, hence interference of this Court is not warranted and the instant appeal is liable to be rejected.

4. Heard and considered the submissions made at Bar and perused the material available on record.

5. Perusal of the record indicates that the accident occurred on 30.06.2019 wherein the deceased- Sushil Kumar was hit by a vehicle and subsequently expired during his treatment at the

hospital. As per the contents of the FIR lodged by the informant, the information regarding the offending vehicle was given to him by the driver of the Ambulance along with the information that the dead body of the deceased-Sushil Kumar was lying in the mortuary, as he had met with a road accident. It appears that after the aforesaid information given by the driver of the Ambulance, FIR has been registered by the informant-Sardar Singh on the next date. The site plan of the place of incident was prepared in his presence that is why the number of the vehicle was not mentioned as he was not aware who caused the accident. On the next date, i.e. on 01.07.2019, the statement of the AW2-Bhawani Singh was recorded wherein the number of the offending vehicle i.e. truck bearing No. RJ07-GA-6224 was mentioned as he was present on the spot of the incident and has seen the entire accident. The aforesaid witness is not an interested or related witness of the claimants, hence under these circumstances, there was no reason or occasion available to disbelieve his statement. On the basis of the investigation conducted and on the basis of the statement of the aforesaid witness, charge-sheet has been submitted against the driver of the offending vehicle before the Competent Court of law under Sections 279 and 304-A IPC.

6. In the considered opinion of this Court when the statement of the aforesaid witness was recorded on the next date, then there was no reason or occasion available to disbelieve the statements of the AW2-Bhawani Singh and rejecting the claim petition submitted by the claimants.

7. In view of the discussions made hereinabove, the impugned judgment passed by the Tribunal is not sustainable in the eyes of law and is liable to be and is hereby quashed and set-aside.

8. The matter is remitted to the Tribunal for its adjudication on merits and on the issues framed therein, after providing due opportunity of hearing to all the respective parties.

9. The parties are directed to appear before the Tribunal on 27.03.2026 and thereafter on the date fixed by the Tribunal.

10. Looking to the fact that the incident has occurred in the year 2019, it is expected from the Tribunal to make all possible endeavours to decide the claim petition expeditiously as early as possible strictly in accordance with law.

11. Office is directed to return the summoned record to the Tribunal forthwith.

12. With the aforesaid observations and directions, the instant civil misc. appeal stands disposed of. Pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J