



FAO-4236-2001

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

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FAO-4236-2001

Date of decision :21.11.2025

ANIL KUMAR

... APPELLANT

VERSUS

MUKESH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajat Mor, Advocate
For the appellant.

Mr. Sanjiv Pabri, Advocate
for respondent No. 2.

Ms. Manisha, Advocate for
Mr. R.N. Lohan, Advocate
for respondent No. 3.

PARMOD GOYAL, J. (ORAL)

1. The present appeal has been preferred by the unsuccessful claimant, whose claim petition seeking compensation of Rs. 50,000/- on account of injuries sustained in a motor vehicle accident dated 12.07.1977 was dismissed by the impugned award dated 24.08.2000 passed by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as 'the Tribunal').

2. The simple case of the appellant-claimant was that on 12.07.1997 at about 11:00 a.m., he was on his way to his house from Government High School, Seeman, and when he was about 4 killas away from the school, respondent No. 1- Mukesh, came from behind on a scooter, driving it rashly and negligently. The scooter fell on him, resulting in injuries. He claimed to have spent Rs. 7,000—



8,000/- on his treatment and stated that he had to undergo medical treatment for about one year. The appellant-claimant also claimed to have suffered permanent disability to the extent of 25%.

3. Respondent No. 1 asserted that he had already sold the scooter to Suraj Mal prior to the accident and denied the occurrence of the accident in its entirety. It was further stated that the police had found the complaint made by the appellant-claimant to be false. He also claimed that the liability, if any, was that of the Insurance Company.

4. Respondent No. 2-Insurance Company as well as respondent No. 3-Suraj Mal, in their separate written statements, contested the claim petition and prayed for its dismissal. Respondent No. 3 claimed that he had purchased the scooter from Mukesh on 04.08.1997 and therefore was not liable to pay any compensation.

5. One of the issues framed by the learned Tribunal was:

“whether the accident in question was caused due to the rash and negligent driving of Scooter No. HR-21A-2446 by Mukesh, respondent No. 1?”

6. On consideration of evidence, the learned Tribunal concluded that the appellant-claimant had failed to prove his case and establish the involvement of the scooter of respondent No. 1 in accident. Consequently, the claim petition was dismissed.

7. To prove the accident, the claimant-appellant himself appeared as a witness and reiterated the manner of occurrence as stated in his claim petition. His father, Wazir Singh, also appeared as PW-3 and claimed that respondent No. 1 had approached him for a compromise 3–4 days after the *accident*. According to him, respondent No. 1 had promised to bear all expenses but later resiled from his



promise.

8. No copy of the MLR was placed on record. The alleged report to the police was made two months after the accident, but that too was not produced. No explanation was offered as to why the appellant-claimant remained silent for two months. Although the appellant claimed that he remained admitted in PGIMS, Rohtak from 06.08.1997 to 12.08.1997, no evidence was produced to prove this fact.

9. In the absence of any corroborative evidence, the sole testimonies of the appellant-claimant (PW-2) and his father (PW-3) were ignored, especially keeping in view the unexplained delay in disclosing the manner of occurrence of accident by way of lodging a complaint with the police and bringing the accident into the public domain.

10. On consideration, I do not find any defect in the reasons recorded by the learned Tribunal. The initial onus to prove the accident and the involvement of respondent No. 1 rested upon the appellant-claimant. In the present case, there has been considerable delay on the part of the appellant-claimant in disclosing the manner of the accident and in bringing the matter into the public domain by lodging an FIR or making any complaint immediately after the occurrence. No doubt, lodging of an FIR is not a mandatory requirement for succeeding in a petition before the Motor Accident Claims Tribunal; however, it is an important piece of corroborative evidence. Its relevance becomes even more significant in view of the fact that no evidence showing any injuries on the person of the appellant-claimant has been produced before the Tribunal.

11. There is a total absence of material to conclude that an accident occurred as alleged or that respondent No. 1 was involved in it. Consequently, the



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appeal has no merit and is accordingly dismissed.

21.11.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No