



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

Reserved on: 18th August 2025

Date of decision: 20th August 2025

(I) FAO-329-2004 (O&M)

SMT. KRISHNA

.....Appellant

versus

PRITHVI SINGH AND ANOTHER

.....Respondents

(II) FAO-751-2004 (O&M)

NARAIN SINGH

.....Appellant

versus

PRITHVI SINGH AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Mukesh Yadav, Advocate
for the appellant(s) (in both cases).

Mr. Nikhil Sehrawat, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.2-OIC in FAO-329-2004.

Mr. Pardeep Goyal, Advocate
for the respondent No.2-OIC in FAO-751-2004.

HARPREET KAUR JEEWAN, J.

1. The present order shall dispose of both the aforesaid appeals filed by the appellants for setting aside the order dated 31.10.2003, passed by the learned Motor Accident Claims Tribunal, Narnaul, whereby, the claim petitions filed on behalf of the appellants have been dismissed.

2. Both the appellants-Smt. Krishna and Narain Singh had filed separate claim petitions arising out of the same accident, which allegedly took place on 14.08.2001. As per the brief facts, the appellants-Smt. Krishna and Narain Singh, along with Vijay Singh, were going from Behror to



Village Lujota on a motorcycle, which was being driven by Vijay Singh and the appellants-Smt. Krishna and Narain Singh were pillion riders. On the way, the driver of the motorcycle-Vijay Singh stopped the motorcycle in Village Nangal Chaudhary and went towards the fields to urinate. However, the appellants remained seated on the motorcycle. A Jeep bearing Registration No.HR-35A-8973, which was being driven in a rash and negligent manner by respondent no.1-Prithvi Singh, struck the motorcycle, as a result of which the appellants-Smt. Krishna and Narain Singh fell down and sustained multiple injuries. Both the injured appellants were taken to a private hospital at Village Nangal Chaudhary and after giving first aid, they were taken to Jaipur Hospital, Jaipur, where they remained admitted for about 27-28 days.

2.1 As per the facts, appellant-Narain Singh filed a private complaint before the Area Magistrate, which was sent to the Police Station under Section 156(3) Cr.P.C and FIR No.25 dated 15.01.2002 was registered by the concerned SHO under Sections 279/337/427 IPC. Respondent No.1-Prithvi Singh denied the accident in the written statement. Respondent No.2-Insurance Company also took the same plea. The claim petition filed by the appellants was contested by both the respondents. Issues were framed. Both the parties led evidence.

3. The Tribunal, considering the evidence on record, dismissed the claim petition on the following grounds:-

- (i) The Hospital Admission Record of appellant-Narain Singh (alleged injured) in Jaipur Hospital, Jaipur was not placed on record.



(ii) Appellant-Smt. Krishna was admitted in Jaipur Hospital on 14.08.2001 and was discharged on 25.08.2001, as per the Discharge Card (Ex.P5). However, there is no explanation for the delay in approaching the Area Magistrate for registration of the FIR as the application was filed by the appellant in January 2002 i.e. after a period of about 05 months of the accident.

(iii) The version of the appellants was found false on the ground that in the Discharge Card of appellant-Smt. Krishna (Ex.P5), it was mentioned that the injuries were caused due to slipping of the motorcycle. There is no reference in the said Discharge Card (Ex.P5) that the injuries were suffered on account of a roadside accident. Such discrepancy was found further corroborated by the cancellation report prepared by the concerned SHO and having submitted the same before the Area Magistrate, wherein, the proceedings in the FIR were closed.

(iv) The appellants did not produce any independent witness to prove the factum of the accident.

4. Learned counsel for the appellants submits that the accident stands proved by the evidence led by the claimants. Referring to the statement of respondent No.1-Prithvi Singh (Annexure A-1), learned counsel for the appellants further contends that the accident has been even admitted by respondent No.1. It is contended that though Prithvi Singh-owner/driver of the Jeep has stated in the examination-in-chief (Annexure A-1) that no accident took place with the Jeep, however, in his cross-examination, he has admitted that FIR was lodged against him but the police has not recorded his statement. He further stated that the accident took place due to the fault of the motorcycle driver. He was driving at a moderate speed on the correct left side of the road and the driver of the motorcycle struck his motorcycle against his jeep.



5. On the other hand, learned counsel for the respondents, referring to the reasons recorded by the trial Court, submitted that the claim petition has been rightly dismissed.

6. I have considered the aforesaid submissions and perused the paper book.

7. No doubt, the cancellation report prepared by the Investigating Officer cannot be made the sole basis for rejecting the claim of the appellants in a motor accident claim petition. However, the testimony of the appellants, who approached the Tribunal, should transpire confidence. There is a huge delay in reporting the matter to the Police. The medical record also falsifies the version of the appellants, as per which, appellant-Smt. Krishna has herself reported at the time of her admission that the injuries were sustained due to slip from the motorcycle.

8. In such circumstances, there is a strong indication that the delay of around 05 months has been used for manipulation of the evidence. Mahesh Kumar (RW-1), who produced the file pertaining to the FIR in question, has testified that cancellation of the FIR was recommended by the Senior Superintendent of Police. The statements of Vijay and Bablu were recorded. It is noticed that as per the version of the appellants, Vijay Singh was the driver of the motorcycle at the time of the accident. The statement of Vijay has been recorded before preparing the cancellation report. The appellants have neither challenged the said cancellation report nor approached the Area Magistrate for proceeding against respondent No.1-Prithvi Singh by treating their complaint as a criminal complaint. All these



circumstances cause a serious dent in the testimony of the appellants (injured witnesses).

9. The testimony of RW-2/Prithvi Singh and the argument raised on behalf of the appellants that respondent No.1-Prithvi Singh has admitted the factum of the accident in the cross-examination, is of no help to the appellants since the statement is to be considered in totality. In the examination-in-chief, respondent No.1-Prithvi Singh has categorically stated that no accident had taken place with his Jeep on 14.08.2001. He further stated that he did not cause any injury to the appellants and a false criminal complaint was filed in the Court, which was sent to the Police for investigation. After investigation, the Police found the complaint to be false and reported the matter to the Court. He has further stated that the appellants have filed a complaint to get compensation on false grounds.

10. Though, in the examination-in-chief, respondent No.1-Prithvi Singh had stated that the accident took place due to the fault of the motorcyclist, however, his cross-examination indicates that he is a manipulated witness. Such manipulation is also evident from the fact that the accident took place on 14.08.2001 but no FIR was registered immediately thereafter. Despite the fact that one of the appellants was discharged from the hospital on 25.08.2001, the complaint was filed in the Court for registration of the FIR in January 2002. The statement of the driver of the motorcycle was recorded by the Police. The investigation was got completed resulting in filing of the cancellation report. Prithvi Singh-owner of the vehicle was saved. Thereafter, he appeared as a witness and denied the accident, but only in the cross-examination, he had tried to support the



appellants by stating that the accident had taken place due to the fault of the driver of the motorcycle.

11. Keeping in view the aforesaid facts and circumstances, it is apparent that the true facts have been twisted and above all, there is no plausible explanation for the delay in filing the FIR. In such kind of hazy evidence, the learned Tribunal has rightly disbelieved the version of the appellants, while dismissing the claim petition. As such, no interference is called for.

12. Consequently, the order dated 31.10.2003, passed by the learned Motor Accident Claims Tribunal, Narnaul, is upheld, and both the present appeals, being devoid of merits, are dismissed.

13. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20th August 2025
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>