

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****214****FAO-2214-2008(O&M)****Date of decision: 29.10.2025****Sat Pal****...Appellant(s)****Vs.****Anoop Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Raj Kapoor Malik, Advocate
for the appellant.

*********NIDHI GUPTA, J.****CM-14489-CII-2008**

Present application under Order 41 Rule 27 read with Section 151 CPC is filed by the applicant-appellant, for producing the MLR of the injured-claimant/appellant as additional evidence.

Para 3 of the present application reads as follows:-

"3. That the Id. M.A.C.T. has gone erroneous while dismissing the claim petition of the claimants and not considering the fact that injured Satpal has suffered the multiple injuries and has attained the 25 percent intellectual impairment as assessed by the board of doctor on the account of the use motor vehicle accident. All the facts of the case were brought in the knowledge of the counsel by the appellants and copy of MLR of the claimant Satpal was also handed over to the counsel and same was place on the record but the Id counsel could not exhibit this MLR ,reason to best known to him. It was the bona



fide mistake on the part of the counsel and it is further submitted that it was not in the knowledge of the appellants/claimant. Moreover, the claimant is an illiterate person.”

In this circumstance, reference can be made to a recent judgment of the Delhi High Court in case of “**Moddus Media Pvt. Ltd. v. M/s. Scone Exhibition Pvt. Ltd., (Delhi) : Law Finder Doc Id # 887148**”, wherein it has been held that:

“11. The litigant owes a duty to be vigilant of his rights and is also expected to be equally vigilant about the judicial proceedings pending in the court of law against him or initiated at his instance. The litigant cannot be permitted to cast the entire blame on the Advocate. It appears that the blame is being attributed on the Advocate with a view to get the delay condoned and avoid the decree. After filing the civil suit or written statement, the litigant cannot go off to sleep and wake up from a deep slumber after passing a long time as if the court is storage of the suits filed by such negligent litigants. Putting the entire blame upon the advocate and trying to make it out as if they were totally unaware of the nature or significance of the proceedings is a theory put forth by the appellant/applicant/defendant company, which cannot be accepted and ought not to have been accepted. The appellant is not a simple or rustic illiterate person but a Private Limited Company managed by educated businessmen, who know very well where their interest lies. The litigant is to be vigilant and pursue his case diligently on all the hearings. If the litigant does not appear in the court and leaves the case at the mercy of his counsel without



caring as to what different frivolous pleas/defences being taken by his counsel for adjournments is bound to suffer. If the litigant does not turn up to obtain the copies of judgment and orders of the court so as to find out what orders are passed by the court is liable to bear the consequences.”

Moreover, the applicant/appellant has appended an absolute illegible copy of the alleged MLR (Annexure A1). Even learned counsel for the applicant is unable to decipher the said MLR and apprise this Court as to the nature of injuries suffered or allegedly mentioned in the said illegible MLR. The said MLR does not even reflect the hospital from where the appellant was got medico-legally examined. Therefore, the same cannot be taken into evidence. In view of the above, present application is **dismissed**.

MAIN CASE

Present appeal has been filed by injured-claimant against the Award dated 03.11.2007 passed by Motor Accident Claims Tribunal, Kaithal (hereinafter ‘the learned Tribunal’) whereby Claim Petition No.15 dated 09.03.2006 filed by the appellant under Section 166 of the Motor Vehicles Act (hereinafter “the Act”), has been dismissed.

2. The case as pleaded by the appellant in the Claim Petition before the learned Tribunal as recorded in Para 1 of the Award is as follows:-

“It is pleaded by the claimant that on 19.2.2006, he was coming to his village on a bullock cart. His son Surinder was following the Buggi on foot. At about 6.30 P.m. when they were near the village, a Haryana Roadways bus No. HR-64-0179



came from Kasan side. It was being driven rashly and negligently and it had struck against the bullock cart and as a result the Ox died at the spot, while the claimant sustained multiple and grievous injuries. The accident took place because of the said rash and negligent driving of the bus by respondent Anoop Singh, who has also been challaned for the present accident."

3. The Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that a motor vehicular accident had taken place on 19.02.2006 at about 6:30 pm due to the rash and negligent driving of the bus bearing registration No.HR-64-0179. Accordingly, Issue No.1 was decided in favour of the appellant. However, compensation was denied to the appellant as appellant failed to establish that his alleged mental impairment was related to the accident in question.

4. Ld. Counsel for the appellant, assails the impugned Award by submitting that as per finding given by the Ld. Tribunal, Issue No.1 "Whether the accident in question resulting into injuries to claimant, took place due to rash and negligent driving of the Bus No. HR-64-0179 on the part of its driver, respondent no.1, as alleged? opp." Is decided in favor of the claimant/appellant and detail finding has been recorded by the Ld Tribunal on the issues. It is further submitted that it is admitted case of the respondent Anoop Singh when he appeared into the witness box as R.W.1. And stated that the said accident had taken place on 19.2.2006 and FIR was also registered on the same day.



5. Ld. Counsel submits that the Ld MACT failed to consider the fact that after the said accident the claimant Satpal was admitted in Govt. Hospital Kaithal and got himself medically examined by the doctor and the MLR of the claimant has been placed on record, which would have been considered by the Ld Tribunal. It is worth to mention that the claimant has taken the treatment from the various Hospitals, which has come on the record during recording the evidence of the claimant.

6. Learned counsel prays that the impugned Award be set aside.

7. No other argument is made on behalf of the appellant.

8. I have heard learned counsel and perused the case file in detail.

I find no merit in the submissions made on behalf of the appellant.

9. As per the Claim Petition, in the accident in question, the appellant had suffered "*multiple and grievous injuries*". There is no description forthcoming as to the exact nature of injuries suffered by the appellant and on which part of his body. Even in his deposition as PW13, claimant had deposed that he had received "*multiple injuries in this accident and he was admitted in Civil Hospital Kaithal*". The claimant had further stated that he had spent about Rs.70,000/- on his treatment; that he was previously earning Rs.10,000/- per month; that now he has become permanently disabled due to the accident and is not able to earn anything. However, the claimant examined no doctor. Even no Medical Officer was examined by the claimant to prove the alleged injuries suffered by him in the



accident. To support his claim, the claimant had examined PW2 Dr. Harbans Lal, Psychiatrist at LNJP Hospital, Kurukshetra, who had examined the claimant as Member of Board of Doctors, upon which it was found that the claimant had IQ of 72% and his intellectual impairment was 25% as per Disability Certificate (Ex.P2). However, there was nothing whatsoever on record to show that the said impairment was caused due to the accident in question. The findings of the learned Tribunal in this regard are as follows:-

“The claimant has not examined any medical officer or proved any medical records to prove the injuries if any suffered by him in the present accident. So in absence of the said evidence, it cannot be said that the alleged mental impairment of 25 percent is a direct consequence of any injuries received in the accident in question. Unless it can be shown that claimant had suffered some injuries to his nervous system in the present accident, the mental impairment can not be co-related with the accident. The said mental impairment may have no connection with the accident in question the claimant was required to reduce the best evidence in the shape of the medical treatment record showing that the claimant had in fact received any such injuries to his brain or any such part of the nervous system which had directly resulted in mental impairment. But the same has not been done.

Moreover in the present case, the claimant Satpal has him self filed this petition and has also appeared as a witness. He has been cross-examined by the opposite party and there is nothing in the cross-examination to show that he was not able understands the questions or that he was suffering from any



mental impairment of any consequence. In these circumstances, the claimant can not held entitled to any compensation for the said mental impairment of 25 percent. So this issue is decided against the petitioner.”

10. Ld. Counsel for the appellant is unable to dispute or controvert the above said findings of the learned Tribunal. The present appeal accordingly stands **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

29.10.2025

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge