



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

FAO-763-2004

Reserved on : 17.02.2026

Pronounced on : 27.02.2026

MANOJ KUMAR

... APPELLANT

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Sumit Bairagi, Advocate
for the appellant.

Mr. Abhinav Mahant, Asst. A.G. Haryana.

Dr. Deepak Jindal, Advocate
for respondent No.5-Insurance Company.

PARMOD GOYAL, J.

The present appeal has been filed by the injured appellant/claimant being aggrieved by the award dated 25.07.2003 passed by the Motor Accident Claim Tribunal, Kurukshetra (hereinafter referred to as 'Tribunal') vide which his claim petition seeking compensation was dismissed. It was held that the injured appellant/claimant had failed to prove that the injured claimant received injuries on account of rash and negligent driving of respondent No.1 while driving bus bearing registration No.HR-58-8736.

2. Following issues were framed by the learned Tribunal:-

- i. Whether the accident in question resulting injuries to Manoj Kumar was due to rash and negligent driving of vehicle No.HR-58-8736 on the part of its driver, respondent No.3, as alleged? OPP

- ii. If issue no.1 is proved to what amount of compensation the petitioner is entitled to and from whom? OPP
- iii. Whether respondent no.3 was holding a valid and effective driving licence on the alleged date of accident? OPR
- iv Relief.

3. Issue No. 1 was decided against the injured appellant/claimant. Hence, petition was dismissed.

4. It is the case of the injured appellant/claimant that on 22.08.2001 he boarded the Haryana Roadways bus bearing no. HR-58-8736 of Yamuna Nagar Depot from Panipat for going to Ladwa. At about 10.30 pm the bus reached Indri Chowk Ladwa and the driver stopped the bus. The injured appellant/claimant was getting down the bus and in the meantime the driver started moving the bus. Due to this the injured appellant/claimant fell down and sustained injuries.

5. To prove accident to be result of rash and negligent driving on the part of respondent No.1 while driving bus No.HR-58-8736, appellant/claimant himself appeared as PW1 and had examined Deepak as PW2 who had taken him to his house and then to the hospital. Both PW1 and PW2 have stated that on 22.08.2001 at about 10:30 PM when injured appellant/claimant was getting down from bus which had come from Delhi and was going to Yamuna Nagar, all of a sudden bus started moving due to which appellant/claimant had fallen down and suffered injuries. The accident was witnessed by PW2 Deepak who was going back from his shop to his house and had noted bus number as HR-57-8736. To corroborate evidence of PW1 and PW2, appellant/claimant had placed reliance upon bus tickets Ex.P1 to P3 to prove his assertion that he had boarded the bus at

Panipat and alighted down at Ladwa. Further to corroborate his evidence, treating doctor i.e. Dr. P.K. Soni was examined as PW3 who asserted that appellant/claimant was admitted in his hospital with alleged history of having received injuries while getting down from the bus.

6. Respondents on the other hand denied the accident in totality. To prove their assertions both driver and conductor of the bus appeared as RW1 and RW2 and stated that no such incident as being asserted by appellant/claimant had taken place involving their bus on 22.08.2001.

7. After appreciating evidence led by both the sides, learned Tribunal had concluded that evidence of appellant/claimant as regards to accident involving bus No.HR-58-8736 is not trustworthy. It had duly noticed that no FIR or DDR was lodged against Haryana Roadways or respondent No.1. It has also doubted the evidence of PW1 and PW2 in view of contradictions and discrepancies in their statements and concluded that it was not natural for treating doctor not to inform police, even though he knew that in accident cases police is required to be informed and accordingly had dismissed the claim petition.

8. On consideration of evidence on record, I do not find any error with the approach of learned Tribunal. Onus to prove involvement of offending vehicle and its rash and negligent driving is always upon appellant/claimant. Admittedly, accident had occurred on 22.08.2001. The case was instituted on 03.11.2001. No explanation is coming forth for not lodging the FIR for more than two months prior to filing of claim petition. The other fact which raises doubt regarding involvement of bus No.HR-58-8736 is bus tickets produced by appellant/claimant as Ex.P1 to Ex.P3. The case of appellant/claimant is that he had boarded the bus from Panipat for

Ladwa and had purchased the tickets, whereas bus tickets Ex.P1 to Ex.P3 goes to show that Ex.P1 and Ex.P2 pertains to travel from Panipat to Karnal. As per punch available on tickets, the ticket holder had boarded the bus from Panipat and had alighted down at Karnal, whereas Ex.P3 pertains to travel between Karnal and Ladwa showing that passenger had boarded the bus from Karnal and had alighted down at Ladwa. Learned Tribunal had duly noticed this important aspect of the case and had taken cognizance along with failure to disclose the manner of accident at the earliest. No doubt FIR is not '*sine qua non*' for deciding MACT cases. However, lodging of FIR do corroborates first version available in public domain immediately after the occurrence, therefore, prompt lodging of FIR do help the case of appellant/claimant to prove first version so stated before the police.

9. In the present case, first version has come in public domain only on filing of claim petition. The bus tickets relied upon by appellant/claimant do not corroborate the assertions made by appellant/claimant. A clear contradiction is made out between claim of appellant/claimant that he had boarded the bus from Panipat and had got down at Ladwa, whereas bus tickets Ex.P1 to Ex.P3 pertains to two different journeys though continuous. Similarly, failure of doctor to report the matter to the police even after knowing injuries to be accidental also creates doubt if above noted discrepancies are considered collectively. The evidence of PW2 who claims to have noted the bus number as appellant/claimant claimed that he became unconscious is contradicted by statement of PW2 that appellant/claimant was conscious.

10. Above noted facts if are taken collectively and tested on

standard of proof i.e. preponderance of probabilities, then the only conclusion which can be drawn is that the story of appellant/claimant is not free from doubts and is not probable specially when respondents No.1 and 2 both driver and conductor had duly appeared in witness box and had denied the occurrence in totality. Nothing could be shown from their cross-examination as to doubt their testimonies.

11. In view of above discussion, I do not find any reasons to interfere in well reasoned judgment passed by learned Tribunal. Appeal is without any merit, hence is dismissed.

12. Pending application(s), if any, is/are disposed of accordingly.

27.02.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No