

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

(102)

**FAO-1688-2003 (O&M)
Date of Decision-25.02.2026**

Gurjit Kaur

... Appellant

Versus

Mohinder Singh @ Mala And Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. P.S. Chahal, Advocate
for Mr. G.S. Nagra, Advocate
for appellant.

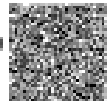
Mr. Neeraj Khanna, Advocate
for Ravinder Arora, Advocate
for respondents no.3. (National Insurance Company)

VIRINDER AGGARWAL, J. (Oral)

1. The present First Appeal against Order has been filed by the appellant-claimant assailing the award dated 12.09.2002 passed by the learned Motor Accident Claims Tribunal, Ambala, whereby the claim petition instituted under Section 166 read with Section 163A of the Motor Vehicles Act, 1988 seeking compensation on account of injuries sustained in a motor vehicular accident was dismissed. Though the learned Tribunal assessed compensation under various heads amounting to ₹31,200/-, the claim petition was ultimately dismissed as the claimant failed to establish Issue No.1 regarding rash and negligent driving of the offending vehicle.

BACKGROUND FACTS

2. The case set up by the claimant before the learned Tribunal was that on 10.07.2000 at about 11:30 a.m., she was returning to her village Korwa Khurd from Shahzadpur on a bicycle and was riding the same on the right side of the

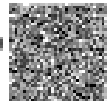


road with due care and caution. When she reached near village Ganeshpur, a scooter allegedly bearing registration No. PB-65A-3615, driven by respondent No.1 in a rash and negligent manner and at a high speed, came from the opposite direction on the wrong side of the road and struck against the bicycle of the claimant. As a result of the impact, she fell on the road and sustained multiple injuries including fracture of the left femur. The claimant was immediately taken to C. Lall Hospital, Ambala Cantt., where she remained admitted as an indoor patient and underwent surgical treatment. It was further pleaded that due to the accident she suffered considerable pain and trauma and had to remain confined to bed for a prolonged period. On these premises, compensation of ₹10,00,000/- was claimed from the driver, owner and insurer of the alleged offending scooter.

3. Upon appreciation of the entire oral as well as documentary evidence on record, the learned Tribunal returned a categorical finding that the claimant failed to produce any reliable and independent evidence to establish that the accident in question involved the aforesaid offending vehicle or that respondent No.1 was driving the same in a rash and negligent manner. In the absence of cogent evidence linking the vehicle to the occurrence, the learned Tribunal concluded that the claimant had failed to prove the foundational facts of the case, namely the involvement of the alleged offending vehicle and rash and negligent driving by respondent No.1. Consequently, the claim petition was dismissed.

CONTENTIONS

4. Learned counsel appearing on behalf of the appellant contends that the learned Tribunal erred in dismissing the claim petition despite the fact that the claimant had sustained serious injuries in the accident and had undergone



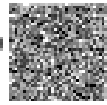
surgical treatment. It is submitted that the Tribunal ought to have granted compensation on the basis of the medical evidence available on record. It is further argued that the learned Tribunal has laid undue emphasis upon the discrepancy in the registration number of the offending scooter mentioned in the FIR and the claim petition. According to the appellant, such discrepancies cannot be treated as fatal in proceedings under the Motor Vehicles Act, which are required to be decided on the touchstone of preponderance of probabilities.

5. Per contra, learned counsel appearing on behalf of the Insurance Company supports the impugned award and submits that the learned Tribunal has meticulously appreciated the evidence on record and has rightly concluded that the involvement of scooter No. PB-65A-3615 in the accident was not proved. It is argued that the earliest version of the occurrence contained in the FIR clearly mentioned a different scooter number and the subsequent introduction of another scooter number clearly indicates manipulation.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and have carefully perused the impugned award passed by the learned Motor Accident Claims Tribunal, Ambala.

7. The principal controversy in the present appeal revolves around the identity of the offending vehicle alleged to have caused the accident. The learned Tribunal has laid considerable emphasis upon the discrepancy between the registration number of the scooter mentioned in the First Information Report and the number subsequently introduced in the claim petition and oral evidence. The learned Tribunal noticed that the first available version of the accident was contained in the FIR recorded on the statement of the claimant herself. In the said FIR, the scooter involved in the accident was specifically described as

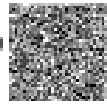


bearing registration No. PB-39A-365, and the driver was mentioned as “Bhula”, while Mohinder Singh son of Santa Singh was described as the pillion rider.

8. Significantly, the FIR was registered on 13.07.2000, three days after the accident which had occurred on 10.07.2000. During this intervening period, the claimant was admitted in C. Lall Hospital, Ambala Cantt. The learned Tribunal observed that this time gap provided sufficient opportunity to the claimant to reflect upon the circumstances of the accident before making her statement to the police. The claimant herself admitted during her cross-examination that the scooterist was known to her even prior to the accident and that both the driver and pillion rider were residents of the same village. She also stated that she had seen the scooter coming from the front side from a short distance. In such circumstances, the learned Tribunal rightly observed that there was no scope for any confusion regarding the identity of the scooter or its registration number.

9. However, during the course of proceedings before the Tribunal, the claimant and her supporting witness began to assert that the offending vehicle was scooter No. PB-65A-3615. This version was in complete contradiction to the number mentioned in the FIR. No satisfactory explanation was furnished as to how the scooter number changed from PB-39A-365 to PB-65A-3615. Further, the testimony of PW-3 Sarjeet Kaur, who was stated to be the eye-witness and sister of the claimant, also referred to scooter No. PB-65A-3615. The learned Tribunal found that this statement was inconsistent with the earliest version recorded in the FIR and therefore lacked credibility.

10. The Investigating Officer, ASI Man Singh (PW-5), also failed to explain the circumstances under which the scooter number mentioned in the FIR came to be replaced by another scooter number during the investigation. The Tribunal observed that the explanation offered by the Investigating Officer was vague

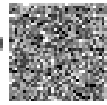


and non-convincing and did not clarify the manner in which the alleged offending scooter came to be identified. Similarly, HC Raghbir Singh (RW-1), who proved the FIR, confirmed that the scooter number recorded in the FIR was PB-39A-365. He was also unable to explain how scooter No. PB-65A-3615 came to be introduced in the claim proceedings. The learned Tribunal further took note of the report (Ex.P4) of the retired DSP Sagar Singh, which had been prepared during the investigation conducted on behalf of the Insurance Company. The said report indicated that the scooter involved in the accident was different but later a new vehicle was introduced.

11. In the light of the above circumstances, the learned Tribunal concluded that the scooter allegedly involved in the accident had been substituted with another scooter which happened to be insured with the Insurance Company. The Tribunal thus drew an inference of collusion between the claimant and respondents No.1 and 2, who chose not to appear and did not participate in proceedings before learned Tribunal.

12. The reasoning adopted by the learned Tribunal cannot be said to be either perverse or legally unsustainable. The FIR, being the earliest version of the occurrence, carries considerable evidentiary value, particularly when it has been lodged on the statement of the claimant herself. When the claimant was well acquainted with the alleged driver and had sufficient opportunity to note the scooter number, the unexplained substitution of the vehicle number assumes great significance.

13. Once the identity of the offending vehicle itself becomes doubtful, the very foundation of the claim petition is shaken. The claimant was required to establish that the accident occurred due to rash and negligent driving of the scooter allegedly driven by respondent No.1. In the absence of reliable evidence



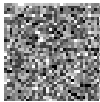
establishing that scooter No. PB-65A-3615 was the vehicle involved in the accident, the learned Tribunal rightly decided Issue No.1 against the claimant.

14. In *Surender Kumar Arora v. Dr. Manoj Bisla, (2012) 4 SCC 552*, the Hon'ble Supreme Court held that the claimant must establish by cogent evidence the factum of the accident, negligence, and the involvement of the vehicle. Similarly, *Oriental Insurance Co. Ltd. v. Meena Variyal, (2007) 5 SCC 428*, reiterates that where foundational facts are disputed, strict proof thereof is essential even in motor accident claims. The findings recorded by the learned Tribunal are thus based on a sound appreciation of evidence and settled legal principles and do not warrant interference.

15. Though the learned Tribunal proceeded to assess compensation under different heads such as medical expenses, pain and suffering, loss of study, special diet, attendant charges and transportation expenses, the Tribunal specifically clarified that such assessment would remain subject to reversal of the finding on Issue No.1 by a higher Court. Since the claimant failed to establish negligence and involvement of the alleged offending scooter, the claim petition was ultimately dismissed.

16. In view of the aforesaid deficiencies, this Court concurs with the learned Tribunal that the claimants failed to establish the involvement of the vehicle, even on a balance of probabilities. The foundational facts thus remain unproved. The findings recorded by the learned Tribunal are based upon a sound appreciation of the evidence on record and do not suffer from perversity, illegality, or misapplication of settled legal principles.

17. For the reasons recorded above, the present appeal is found to be devoid of merit and is accordingly **dismissed**. The award dated 12.09.2002 passed by the learned Motor Accident Claims Tribunal, Ambala, is hereby affirmed.



18. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

25.02.2026
Poonam

(VIRINDER AGGARWAL)
JUDGE

- (i) Whether speaking/reasoned : Yes/No
- (ii) Whether reportable : Yes/No