



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

(228)

FAO No. 792 of 2005(O&M)**Reserved on: 10.03.2026****Pronounced on: 18.03.2026****Uploaded on: 19.03.2026**

Pappu

...Appellant

Versus

Harjinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**Present:-** Mr. Sandeep Punchhi, Advocate,
for the Appellant.Mr. Vandana Malhotra, Advocate
for the Respondent No.3/Insurance Company(Through V.C.).

VIRINDER AGGARWAL, J.

1. The present appeal is directed against the award dated 11.12.2003 passed by the learned Motor Accident Claims Tribunal, Sirsa, whereby the claim petition filed by the appellant-claimant under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of ₹5,00,000/- for injuries allegedly sustained in a motor vehicle accident on 08.09.2000 was dismissed.

BACKGROUND FACTS

2. The brief facts giving rise to the present appeal are that on 08.09.2000 at about 9:00/9:30 p.m., the appellant was returning from village Kumthal to Ellenabad as a pillion rider on a scooter belonging to an unknown person, from whom he had taken a lift on request. When the scooter reached near the Octroi Post on Sirsa Road, Ellenabad, a Maruti car bearing registration No. HR-44-A-6500, allegedly driven by respondent No.1 Harjinder Singh in a rash and negligent manner and at a high speed, came from the opposite direction and



dashed against the scooter. As a result of the collision, the appellant fell on the road and sustained multiple grievous injuries and fractures on his right leg, knee and other parts of the body. He was initially taken to Civil Hospital, Ellenabad, from where he was referred to General Hospital, Sirsa, where he remained admitted for a considerable period of time for treatment. On account of the injuries suffered in the said accident, the appellant filed a claim petition under Section 166 of the Motor Vehicles Act before the Motor Accident Claims Tribunal, Sirsa, seeking compensation for the injuries, medical expenses, pain and suffering caused due to the alleged rash and negligent driving of the offending vehicle.

3. Upon appreciating the evidence led by the parties, the learned Tribunal, Sirsa, returned findings against the claimant on Issue No.1 regarding the occurrence of the accident and the involvement of the offending vehicle. The learned Tribunal observed that the alleged accident had taken place on 08.09.2000, however, no report or FIR was lodged with the police immediately after the incident. Further, the learned Tribunal noticed that a private criminal complaint was filed by the wife of the claimant after a delay of about five months, which created serious doubt about the genuineness of the version put forth by the claimant. Further, the learned Tribunal also found that the testimony of the alleged eye-witness Sita Ram (PW-4) and the claimant (PW-1) was not trustworthy. As per the evidence, the said witness claimed to have seen the accident from a distance of about half a kilometre during night hours, which the learned Tribunal considered highly improbable. Moreover, the learned Tribunal observed that the claimant himself failed to disclose the particulars of the scooter on which he was travelling or the identity of the scooter driver.

Moreover, the medical record did not contain the number of the offending



vehicle or the name of the driver, and the claimant had even refused medico-legal examination at the time of admission in the hospital. In view of these circumstances, the learned Tribunal held that the claimant had failed to prove that the accident occurred due to the rash and negligent driving of respondent No.1 while driving the Maruti car bearing registration No. HR-44-A-6500. Consequently, the involvement of the offending vehicle itself was held to be not established. Since the claimant failed to prove Issue No.1, the learned Tribunal did not consider it necessary to return findings on the remaining issues relating to compensation and liability, and accordingly dismissed the claim petition.

CONTENTIONS

4. Learned counsel for the appellant contends that the learned Tribunal has erred in discarding the evidence led by the claimant. It is submitted that the testimony of the claimant was duly corroborated by the statement of Sita Ram, who appeared as an eye-witness to the occurrence. Learned counsel further argues that the mere delay in filing the complaint could not have been made a ground to reject the claim, particularly when the claimant had sustained serious injuries. It is also submitted that the proceedings before the Motor Accident Claims Tribunal are summary in nature and the standard of proof is only that of preponderance of probabilities. Thus, the impugned award, being based on conjectures and misappreciation of evidence, deserves to be set aside.

5. Per contra, learned counsel for the respondent No.3 submits that the learned Tribunal has correctly appreciated the evidence on record. It is contended that the claimant has failed to prove even the basic factum of the accident involving the alleged offending vehicle. It is further argued that the private complaint was filed after a considerable and unexplained delay and that



the alleged eyewitnesses are interested witnesses being close relatives of the claimant. It is therefore submitted that the findings recorded by the Tribunal are well-reasoned and do not call for interference.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and have carefully perused the record, including the pleadings, oral and documentary evidence, and the impugned award passed by the learned Tribunal.

7. At the outset, the principal plank of the appellant's challenge rests upon the testimony of Pappu (PW3) and Sita Ram (PW4), who was examined as an eye-witness. Though relationship or interest per se does not render a witness unreliable, it is equally well settled that such testimony must inspire confidence in the mind of the Court and ordinarily requires corroboration from independent or contemporaneous evidence. Upon a close scrutiny of the record, however, this Court finds that the version of a head-on collision allegedly caused by the rash and negligent driving of Maruti car No. HR-44-A-6500 suffers from inherent improbabilities. Equally doubtful is the testimony of the alleged eye-witness Sita Ram (PW-4). As per his own version, he and Bimla were standing outside their house when the accident took place at a distance of about half a kilometre from the said place. The accident allegedly occurred at about 9:00/9:30 p.m. during night hours. In such circumstances, the claim that the witness could clearly see and identify the offending vehicle and its driver from such distance appears highly improbable. The learned Tribunal was therefore justified in treating the said testimony with caution, particularly when the witness was closely related to the claimant.



8. It has also come on record that PW3 and PW4 deposed that the wife and nephew (PW4) of the claimant had reached the spot and shifted the injured to the hospital. However, despite the alleged presence of family members immediately after the accident, no FIR was registered. Instead, a private complaint (Ex. PA) was filed by the wife of the claimant, namely Bimla, after a delay of about five months. In cross-examination, the claimant himself could not even disclose the name or registration number of the scooterist from whom he had allegedly taken a lift, thereby underscoring the absence of any independent corroboration. Furthermore, the medical evidence also does not advance the case of the appellant. The bed-head ticket from General Hospital, Sirsa, proved through Dr. Joginder Singh (PW2), merely records that the claimant had suffered injuries in a “roadside accident”. Significantly, there is no mention of the number of the alleged offending vehicle or the name of its driver. It has also come on record that the claimant refused medico-legal examination at the relevant time and, consequently, the medical officer did not report the matter to the police. The absence of any medico-legal record mentioning the involvement of the offending vehicle considerably weakens the case of the appellant.

9. Equally significant is the first version available on record, which reveals the total absence of any contemporaneous police document implicating the Maruti car in question. Admittedly, no FIR was lodged immediately after the alleged accident despite the claimant having sustained grievous injuries and having remained hospitalized for a considerable period. Further, the record shows that the private criminal complaint (Ex.PA) came to be filed only on 16.02.2001, i.e., after an inordinate delay of about five months from the date of the alleged occurrence. Significantly, there is nothing on record to indicate that



the claimant or his family members made any representation or complaint to the higher police authorities alleging refusal on the part of the local police to register the FIR. Even the private criminal complaint was not filed promptly but only after several months, and no satisfactory explanation has been offered for such delay.

10. Moreover, it is true that the learned Judicial Magistrate 1st class eventually summoned the accused on the basis of the said private complaint after recording the preliminary evidence. However, such summoning order cannot, by itself, be treated as conclusive proof of the accident or of the involvement of the alleged offending vehicle in the present claim proceedings. The summoning order merely reflects the prima facie satisfaction of the Magistrate at the stage of issuance of process and does not dispense with the obligation of the claimant to establish the foundational facts of the claim before the Motor Accident Claims Tribunal. Another aspect noticed by the learned Tribunal is that during cross-examination of the claimant, a suggestion was put by counsel for respondents No.1 and 2 regarding negligence of the scooterist. However, such a suggestion, even if assumed to be erroneous, cannot be construed as an admission on the part of the respondents regarding the occurrence of the accident or the involvement of the offending vehicle.

11. Moreover, It is also noteworthy that it was nowhere specifically suggested to the claimant during cross-examination that the accident had occurred due to rash and negligent driving of the Maruti car by respondent No.1. Rather, the suggestion put to the claimant was that he had sustained injuries on account of the negligence of the scooter driver. As per the case set up by the claimant himself, the accident was a head-on collision and he was



merely a pillion rider on the scooter. In such circumstances, the scooter driver would naturally have been the person most directly involved in the accident and, in all probability, would have sustained serious injuries. However, there is absolutely no evidence on record regarding the condition of the scooter driver, whether he sustained any injuries or not, or whether the scooter itself suffered any damage in the alleged collision. Significantly, the claimant failed to disclose even the identity of the scooter driver from whom he had allegedly taken a lift. The said scooter driver, who would have been the most material and independent witness to the occurrence, was neither produced before the learned Tribunal nor examined in support of the claim. There is also no documentary material on record to show that the scooter driver received medical treatment or that the scooter was damaged in the alleged accident. The absence of such natural and material evidence further renders the version put forth by the claimant doubtful and difficult to accept.

12. In the present case, apart from tendering the certified copy of the private complaint and the bed-head ticket entries, the appellant has not produced any independent or contemporaneous material to corroborate the alleged accident or the involvement of the offending vehicle. On the contrary, the respondents have pointed out the inconsistencies in the claimant's version and the fact that the supporting witnesses are closely related to him. The foundational facts of the accident thus remain unproved. In these circumstances, the learned Tribunal was justified in holding that the absence of any contemporaneous police record, the unexplained delay of about five months in filing the private complaint, and the lack of credible independent corroboration collectively create a serious doubt regarding the genuineness of the claim and the involvement of the alleged offending vehicle.



13. In *Surender Kumar Arora v. Dr. Manoj Bisla*, (2012) 4 SCC 552, the Supreme Court held that the claimant must establish by cogent evidence the factum of the accident, negligence, and the involvement of the vehicle, even on preponderance of probabilities. 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.

14. In view of the aforesaid deficiencies, the version put forth by the claimant cannot be held to be reliable. It is well settled that a claimant must establish, at least on a balance of probabilities, the factum of the accident, the involvement of the offending vehicle, and rash and negligent driving by its driver. In the present case, the appellant has failed to discharge this burden, as the foundational facts remain unproved. The learned Tribunal was, therefore, justified in holding that the burden of proof rested upon the appellant and that the same had not been discharged. This conclusion is further reinforced by the surrounding circumstances on record, including the total absence of an FIR, the inordinate delay of five months in filing the private complaint, the refusal of medico-legal examination, the doubtful visibility of the accident from a distance of about half a kilometre during night hours, the inconsistencies regarding the scooter, the failure to disclose or examine the scooter driver as a witness, and the absence of any evidence regarding injuries to the scooter driver or damage to the scooter itself. These circumstances cumulatively give rise to a legitimate doubt regarding the genuineness of the claim and render the claimant's version difficult to accept.



15. Accordingly, the present appeal is accordingly **dismissed**.
16. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

18.03.2026
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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