

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****214****FAO-3152-2010(O&M)****Date of decision: 28.04.2026****Smt. Sheela Devi****...Appellant(s)****Vs.****Dalbir Singh (since deceased) through LRs & Anr****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jitender Singh Chahal, Advocate
for the appellant.

Mr. R.K. Dhiman, Advocate
for respondent No.1.

Mr. Paul S. Saini, Advocate
for respondent No.2.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the injured-claimant seeking setting aside of the Award dated 07.01.2010 passed by Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter 'the learned Tribunal') in MACT Case No.103 dated 31.07.2007 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"), whereby Claim Petition filed by the appellant, has been dismissed.

2. Learned counsel for the appellant inter alia submits that the learned Tribunal has committed illegality by deciding the issue No.1 against the appellant on the basis of assumptions or presumptions by mentioning



that in the MLR it has been mentioned that alleged hit by striking against the running tractor-trolley due to attacking dogs near Sabharwal Hospital, Jagadhri. It is submitted that the force finding has been given by discarding all the evidence produced on record. Appellant- Sheela Devi as PW-5 and Arjun as PW-6 have nowhere deposed in the Court that the present accident was caused due to attacking dogs. Statement of Arjun as PW-6 remain unchallenged with regard that appellant has struck against the running tractor-trolley. Rather the respondents have admitted the accident that Sheela Devi had met with the accident on the road about 4-5 feet inside. Copy of MLR has already been exhibited as Ex.R-1. Ex.P65-MLR is a certified document, and appellant has got after applying in due course of law. Same has been attested by the Dr. Ramesh Kumar. Whatever certified copy of MLR has been given by the hospital and the same has been placed on record by the appellant. Even in Ex.P-65, the word "*due to attacking by dogs*" has been mentioned. It is not a case that a photocopy of MLR has been placed on record. Certified copy of MLR was prepared by the Govt. Hospital in due course of law was placed on record by the appellant. At the time of admission in hospital appellant was unconscious and if something has been wrongly mentioned on MLR that cannot be made basis to dismiss the Claim Petition by discarding all evidence made on oath before learned Court by the appellant and other witnesses.



3. Learned counsel further submits that even the quantum of compensation has not been properly assessed by the learned Tribunal. It is submitted that the appellant in the accident in question had suffered fracture of both bones of the right leg. She was operated upon on the same day and fixation of fracture was done. The appellant had remained hospitalised from 20.04.2007 to 04.05.2007; and had spent approximately an amount of Rs.1 lakh on her medical treatment and the same is still continuing. The appellant has also suffered permanent disability of 20%. Thus, compensation is liable to be enhanced to the tune of Rs.7 lakh along with interest @ 24%.

4. Per contra, learned counsel for the respondent No.2/Insurance Company has taken this Court through the impugned Award in detail to submit that the appellant had misrepresented facts before the learned Tribunal. The learned Tribunal has given a categorical finding that the appellant had tampered with the MLR (Ex.P65). The said facts were certified only when the respondent No.2/Insurance Company had produced the correct MLR as Ex.CD/1. It is therefore submitted that the impugned Award suffers from no error and the present appeal deserves to be dismissed.

5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.



6. The pleaded case of the appellant before the learned Tribunal as recorded in Para 1 of the impugned Award is that: -

“Briefly put the case of the claimant is that on 20.4.2007 she had gone to see her sister-in-law (Nanad) Pyari Devi who was admitted in Sabharwal Hospital, Jagadhri. At about 3-30 PM after seeing her, she alongwith Arjun Dass, the husband of Pyari Devi, was going from Sabharwal Hospital to Bus Stand and in the process when they were crossing the road, popularly known as Bilaspur-Jagadhri road, respondent no. 1 while driving tractor trolley no. HR-02-D-9207 in a rash and negligent manner came from the side of Rakshak vihar chowki and struck the claimant, as a result of which she fell down and sustained multiple injuries. She was removed to civil hospital, Jagadhri. After a day she was shifted to Goel Hospital, Yamuna Nagar.”

7. FIR No.142 dated 23.04.2007 was registered under Sections 279 and 337 IPC at Police Station City Jagadhri on the basis of statement made by Arjun Dass eyewitness PW6.

8. First and foremost, it is to be seen as to why there was delay of 3 days in registration of the FIR. There is no reason forthcoming on record to explain the said delay. No explanation has been given by the claimant side as to why Arjun Dass eyewitness did not get his statement recorded on the very day of the accident. Even if the appellant herself was unfit to make statement on 20.04.2007, no explanation is forthcoming as to why Arjun Dass alleged eyewitness did not go to the Police and record his statement.



In fact, on 23.04.2007, Arjun Dass had himself gone to the Police Station. Nothing stopped Arjun Dass from visiting the Police Station earlier. Clearly therefore, shadow of doubt is cast on the case set up by the appellant.

9. Furthermore, neither the claimant, nor the witness Arjun Dass are able to establish the identity of the driver of the offending, vehicle, or even the number of the offending vehicle. Relevant finding of the Tribunal in this regard is in Para 13 of the impugned Award, which reads as follows:-

“13. In this context it is worth mention that the claimant does not even know the registration number of the offending vehicle, what to talk of the identity of its driver. PW6 Arjun Dass states that the offending vehicle was bearing no. 9207. Even he does not say as to who was driving the same. The only evidence to prove that the offending vehicle was being driven by respondent no. 1 is Ex. P5, the F.I.R.”

10. Besides the above lacuna in the case set up by the appellant, categoric finding of fact has been given by the learned Tribunal that the appellant has deliberately sought to mislead the learned Tribunal. It is unambiguously proven on record that in the MLR Ex.P-65 produced by the claimant before the Tribunal, cause of accident is shown to be by the offending, tractor trolley. Whereas, in the original MLR subsequently produced by Dr. Ramesh Kumar Nehra, who had prepared the document, cause of accident is shown to be *‘striking against running tractor trolley due to attack by dogs’*.



11. Relevant findings returned by the Tribunal are as follows: -

"19. Let us examine the evidence to find out as to whether the claimant has been able to prove negligent on part of respondent no. 1 or whether there is any nexus between the injuries sustained by her and rash or negligent driving by respondent no. 1. In this context the earliest version, as already been observed above, is not contained in the FIR. The same came to be registered on 23.4.2007. However, when the claimant was admitted in the hospital she had narrated the manner in which she had sustained injuries. This was recorded in the M.L.R. as history of injuries. It goes without saying that whenever MLR is recorded, the history of injuries of mentioned as per the narration of the injured or his/her attendant. In this case the MLR was placed on record as Ex. P65 in the statement of the counsel for the claimant. It follows that the doctor who had prepared the MLR was not examined. On 22.10.2009 learned counsel for the insurance company alleged that the MLR had been tendered in evidence after manipulating it. He placed on record the copy of the original M.L.R. It was noticed that there was difference between that copy and Ex. P65 in as much as first line on the top had been removed/deleted in Ex. P65. In order to find out as to which is the genuine document Dr. Ramesh Kumar Nehra, who had prepared the document, was summoned as Court witness. He appeared and placed on record the true and complete copy of the M.L.R. as Ex. CD/1. the history of injury mentioned on the right hand top thereof is as under:-

"Alleged history of hit by striking against running tractor trolley due to attack by dogs near Sabharwal Hospital, Jagadhri."



XXX XXX XXX

21. The comparison between Ex. CD/1 and Ex. P65 is material.

The same would be clear from the following:-

Ex. P65

*Against running tractor
Trolley near Sabharwal
Hospital, Jagadhri.*

Ex. CD/1

*alleged history of hit by
striking against running
Tractor trolley due to attack
By dogs near Sabharwal
Hospital, Jagadhri.*

22. It is pertinent to mention here that in Ex. P65 the top line is missing. The words "**due to attack by dogs**" are also not clearly visible in Ex. P65 in as much as the last word i.e. dogs is not clear. Therefore, if Ex. P65 is taken in isolation it would appear as if the accident had taken place against running tractor trolley near Sabharwal Hospital, Jagadhri. However Ex. CD/1 exposes the manipulation. It is evident that the top line has been deleted purposely and deliberately. It is evident that the claimant tried to hoodwink the Tribunal. The copy of M.L.R. was tampered with in the sense that while getting Photostat copy prepared, the top line was got deleted. The Medical Officer concerned attested the same in routine. However, the claimant could not have foreseen that the insurance company will produce the copy of original M.L.R. on record. it is not the case of the claimant that there was some error in getting the history of injuries recorded. Dr. Ramesh kumar when appeared as Court witness was specifically questioned as to on what basis the history of injuries is written, he replied "**as told by the**



*patients". Since words "due to attack by dogs" had been inserted in between the lines, the doctor was asked as to when did he added these words in the relevant portion, he replied "at the same time while recording the MLR". Needless to say that the doctor had not reason to create a wrong record. even in column no. 8 of the MLR words "**RSA due to dogs**" stand recorded. (RSA means Road side Accident). It is thus, clear that the first version told by the claimant to the medical officer was that due to attack by dogs she had struck against running tractor trolley. Subsequently realizing that this may not entitled her to compensation, the version was changed and the FIR was recorded. However, even at the time the fact that attack by dogs was main cause was lingering over the mind of the first informant. This is why he got recorded "when the claimant proceeded from Sabharwal Hospital towards bus stand, Jagadhri, Lala Nand Lal was coming from the side of Khera temple alongwith dogs and when the claimant turned in order to cross the road, tractor trolley came being driven in rash and negligent manner and struck her." Apparently there is no link between the dogs being taken by Lala Nand Lal and the accident. Had there been no nexus, this fact would not have been mentioned in the F.I.R. While it was naive on part of the first informant to insert this particular version about Lala Nand Lal taking dogs on the road, he cleverly omitted that the dogs attacked the claimant and out of panic she struck against tractor trolley."*



- 12. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings. Needless to say, appellant has sought to get compensation on a false premise. The same cannot be condoned or overlooked or ignored.
- 13. In view of the above, present appeal stands **dismissed**.
- 14s. Pending application(s) if any also stand(s) disposed of.

28.04.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No