

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****223****FAO-3975-2012(O&M)****Date of decision: 05.05.2026****Smt. Bala & Others****...Appellant(s)****Vs.****Balwan & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. N.K. Malhotra, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants laying challenge to the Award dated 25.02.2012 passed by Motor Accident Claims Tribunal, Rohtak (hereinafter 'the learned Tribunal') in MACT Petition No.131 dated 04.11.2011 filed by the claimants under Section 166 of Motor Vehicles Act (hereinafter "the Act") whereby Claim Petition of the claimants has been dismissed. The 3 claimants are the 45-year-old widow, 17-year-old son and 14-year-old son of deceased Dharambir.

2. It was the pleaded case of the appellants before the learned Tribunal that deceased Dharambir had died due to the injuries suffered by him in a motor vehicular accident that took place on 20.07.2011 due to the



rash and negligent driving of Jeep bearing registration No.HR-12-M-4036 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. However, the learned Tribunal upon appraisal of pleadings and oral & documentary evidence adduced by the parties concluded that the claimants *“have not been able to lead any cogent and trustworthy evidence on the file to prove that the alleged accident, resulting into the death of Dharambir, had taken place due to the rash and negligent driving of the above-said jeep bearing registration No.HR-12-M/4036 by respondent No.1.”* Consequentially, the issue No.1 was decided against the claimants and Claim Petition came to be dismissed.

3. It is inter alia submitted by learned counsel for the appellants that the learned Tribunal was in error in dismissing the Claim Petition as it failed to appreciate that proceedings before the learned Tribunal are summary in nature and are not to be conducted as a criminal trial. It is submitted that the claimants had duly produced judgment of the Hon’ble Supreme Court rendered in **“Ravi Vs. Badri Narayan & Others” 2011(2) ACJ Page 911**, wherein it is held that delay in registration of FIR will not adversely affect the case of the claimants. Therefore, the learned Tribunal has wrongly observed regarding contradictory statement of eyewitness Suresh Kumar. It is submitted that Suresh Kumar being layman had specifically explained his version regarding delay in lodging the FIR. Despite that the Tribunal has not



considered it in the correct perspective. Even otherwise, the learned Tribunal has just considered the case on the basis of technicality otherwise, the appellants proved that the above-said accident occurred due to the sole rash and negligent driving of the respondent No.1. It is further submitted that the driver and owner of the offending vehicle have filed the written statement and not specifically denied the accident.

4. Learned counsel argues that when the FIR and other documents are on record and when it is specifically mentioned that the respondents have taken no action to controvert the case of the claimants, thus Claim Petition could not have been dismissed.

5. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. 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 appellants.

7. Perusal of record of the case shows that FIR No.641 dated 19.09.2011 (Ex.P6) was registered under Sections 279 and 304-A IPC at Police Station Rohtak City against the respondent No.1 on the statement made by PW3 Suresh Kumar, who claimed himself to be an eyewitness of the accident. It is firstly to be noted that the date of accident is 20.07.2011; whereas FIR



has been registered two months thereafter on 19.09.2011. The explanation sought to be given by Suresh Kumar in his Affidavit of Evidence (Ex.PW3/A) for delay in registration of the FIR is that *"he did not inform the police regarding this accident as he did not want to get involved in any police/court proceedings."* PW3 has further stated in his Affidavit that subsequently when he enquired the fate of the victim and discovered that victim had expired, then he had narrated the factum of the accident as well as the name of the driver and about registration number of the offending vehicle to the brother of the deceased.

8. However, during his cross-examination, PW3 has given a totally different explanation for the delay in registration of FIR by now stating that *"he could not lodge the FIR immediately after the accident because during those days, he was busy in paddy-sowing and that he had sown paddy in three and half acres of land this process took 2 to 4 days."*

9. Clearly therefore, the two versions given by the complainant in explaining delay in registration of FIR are entirely contradictory and bear no semblance of similarity. In fact, the said versions are so dissimilar that it belies the entire testimony of PW3. Moreover, even if statement of PW3 is accepted then process of sowing paddy as per his own saying takes 2-4 days. Therefore, the said explanation offered by PW3 still does not account for the delay of two months in registration of the FIR. Furthermore, in his Affidavit (Ex.PW1/A), PW3 has nowhere stated that he had noted down registration



number of the offending vehicle. However, he had disclosed the same to brother of the deceased. PW3 failed to disclose as to from whom, when, where and how he came to know the details regarding the offending vehicle. Clearly therefore, testimony of PW3 was not reliable and trustworthy and could not be relied upon to prove that the accident in question had taken place due to the rash and negligent driving of the offending vehicle by respondent No.1. The reliance placed by the appellants on the aforesaid judgment in **Ravi (supra)** holding that delay in lodging the FIR is not fatal to the claimants, is distinguishable on facts and law inasmuch as in the said case, there was only delay in registration of the FIR and there was no blatant discrepancy in the statement of the complainant.

10. Reliance may be placed upon judgment of Hon'ble Supreme Court in **Rajamma v. M/s Reliance General Insurance Co. Ltd., (SC) : Law Finder Doc Id # 2784588**, wherein it is held that "*Suspicion on FIR registration and contradictions in witness testimony can lead to dismissal of claims.*"

11. Learned counsel for the appellants is unable to dispute or controvert the aforesaid factual and legal position.

12. In view of the above, present appeal stands **dismissed**.

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

05.05.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No