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

FAO No.955 of 2014

Date of Decision : 12.02.2026

Rahisan

....Appellant

Versus

Mohd. Nisar Khan and another

.....Respondents

CORAM: HON'BLE MR JUSTICE PANKAJ JAIN

Present: Mr. Ashish Gupta, Advocate
for the appellant.

None for respondent No.1.

Ms. Palak Koundal, Advocate for
Mr. Rajbir Singh, Advocate
for respondent No.2-Insurance Company.

PANKAJ JAIN, J. (ORAL)

The claimant is in appeal aggrieved of award dated 16.09.2013 passed by MACT, Nuh whereby claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the appellant/claimant stands dismissed.

2. As per the claim petition, claimant was travelling as a pillion rider on the motor-cycle driven by her son when it was hit by the offending vehicle. Claimant claims that she suffered grievous injuries on her legs. She remained hospitalized for more than 12 days.

3. Respondents denied accident. As per respondents, FIR was lodged against respondent No.1 in collusion with the petitioner.



4. Tribunal after analysing evidence on record found that after the claimant was hospitalized, police visited the hospital. Son of the claimant was present in the hospital. However, he refused to disclose his version w.r.t. accident. Son of the appellant, Sakir appeared as PW7. In his examination-in-chief, he claimed that he along with his mother were going from their house to Atta Chakki. However, in his cross-examination he claimed that his mother was going on foot and he was behind her. In FIR, Exhibit PW2/A, the version is that the claimant was going on foot and her son, who is author of the FIR was going behind her.

5. The Tribunal accordingly, found that the claimants have raised false claim in the pleadings. They claim that they were going on a motorcycle whereas as per contends of the FIR and as per their testimony, they claim that the claimant was going on foot. The Tribunal dismissed the claim petition observing as under:

19. In the FIR and testimony of PW7 it is not disclosed that PW7 son of the claimant PW1 was on his motorcycle whereas claimant was on foot and as such admission of PW1 that she was pillion rider on the motorcycle being driven by her son coupled with not making the statement immediately in the hospital when asked by the police to PW7 Sakir is reflective of the concoction of the version given to the police in the shape of FIR Ex.PW2/1 after two days of the occurrence. PW7 when cross-examined did not claim he is not having motorcycle and when PW1 is admitting to be the pillion rider on the motorcycle of her son certainly the version regarding accident as pleaded is a concoction after receipt of the injuries by the claimant when she was pillion rider of the motorcycle of her son who was having no driving licence.

20. The cross examination of the witness is meant to impeach

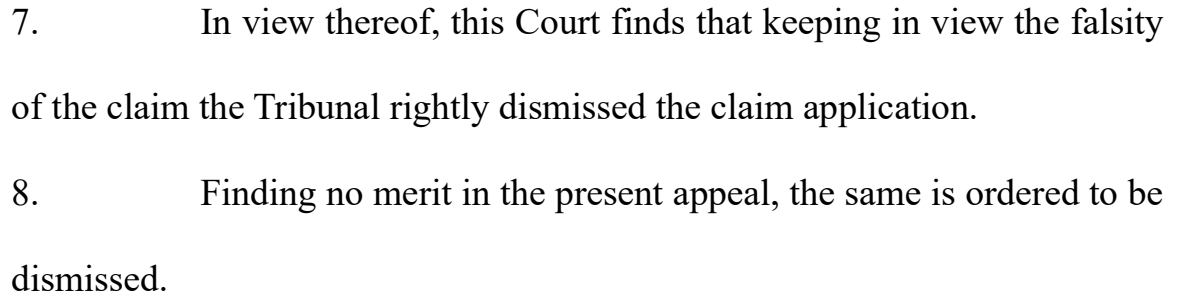
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the veracity of the witness and to extract true version if the version disclosed in the examination -in-chief is considered false by the cross examining counsel and in the present case when during cross-examination claimant admitted that she was pillion rider on the motorcycle of her son certainly no accident had taken place with the involvement of the vehicle belonging to respondent no.1 and if it is presumed that accident took place with the offending vehicle when claimant PW1 was pillion rider in that event certainly in the FIR PW7 son of the claimant was bound to disclose the fact that the accident took place with offending vehicle when claimant was a pillion rider on the motorcycle of PW7. Except the cross examination it is nowhere disclosed that at the time of accident the claimant was a pillion rider and as such when claimant is admitting to be the pillion rider certainly the version disclosed in the FIR is the result of consultation and fabrication.

21. The contents of FIR disclosed that police reached at the hospital on receiving ruqua and there was no sense seeking 2/4 days time and as such alleged accident could not be said to have taken place due to the involvement of the alleged offending vehicle belonging to respondent no.1 rather from the cross examination of claimant PW1 at the time of receiving injuries she was a pillion rider on the motorcycle of Sakir son of claimant and when the motorcycle is not being claimed to be a vehicle being used by PW7 and PW11 deposed that at the time of accident she was pillion rider certainly the accident is result of fall from motorcycle without any involvement of vehicle belonging to respondent no.1 and as such issue no.1 is decided against the claimant.

6. Counsel for the appellant has not been able to explain the dichotomy in case of claimants which is evident from the records. Claimants have not approached Court with clean hands.



(Pankaj Jain)
Judge

Dpr

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No