

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

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**FAO-4450-2001 (O&M)**  
**Date of decision: 18.02.2025****Smt.Anguri Devi****...Appellant(s)****Vs.****Raj Pal and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the appellant.  
Mr. Puneet Sharma, Advocate for  
respondent No.3-Insurance Co.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the injured-claimant against the Award dated 27.02.2001 passed by the learned Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as 'the Tribunal'), whereby the claim petition No.67 dated 31.07.1998 filed by the appellant under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act"), has been allowed and only compensation of Rs.24,130/- was awarded for the injuries suffered by her in an accident that took place on 6.5.1998 at 12:00 noon due to the rash and negligent driving of the Truck bearing registration No. HYG-3233 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1; owned by respondent No.2 and insured by respondent no.3 herein. The said truck was being pulled by a Tractor bearing registration No. HRC-4239.

Memo of appearance filed on behalf of respondent No. 3 in Court today is taken on record.



Order sheets show that none has appeared on behalf of the appellant on the last 2 dates of hearing i.e. 04.09.2008 and 03.03.2011. Office report further shows that Id. counsel for the appellant has been duly informed vide letter No. 735 dated 30.1.2025. Yet, none is present on behalf of the appellant. As the matter pertains to the year 2001, the same is being decided in the absence of counsel for the appellant.

Brief facts of the case as set out by the appellant in the claim petition are that on 6.5.1998 at about 12.00 noon, deceased, Rajwanti alongwith her son Dharambir was going on cycle as she had to attend marriage at village Alipur. When they reached near village Gaunchi, her son Dharambir stopped a rikshaw on which Smt. Anguri, wife of Budh Singh, resident of village Jiwan Nagar, Gaunchi was sitting and Smt. Rajwanti since deceased, also sat in the said rikshaw whereas Dharambir was pedalling cycle behind. As soon as the said rikshaw reached at Railway crossing, Ballabgarh, the offending truck bearing Registration No. HYG-3233 loaded with iron coils was being pulled by a tractor No. HRC-4239. However, the respondent no.1-driver of the truck steered in a rash and negligent manner and the tractor driver-respondent no.4 also pulled the said truck rashly and negligently, thus due to the contributory negligence of both the drivers, the truck turned-turtle on Smt. Rajwanti and Smt. Anguri Devi as they were passing beside the said vehicles on the kacha portion of the road. Smt. Rajwanti succumbed to her injuries on the spot, whereas Smt. Anguri sustained multiple injuries. The matter was reported to the police vide F.I.R. No. 309 dated 6.5.98 under



Sections 279/304-A I.P.C. Smt. Anguri Devi/appellant claimed Rs.3,00,000/- for injuries sustained by her in the course of accident.

It had further been pleaded by the appellant before the learned Tribunal that due to the accident in question, an iron rod was inserted and she spent about Rs.1.5 lacs on her treatment. She had also been medically advised for operation. But the operation could not be conducted as she had no financial resources.

However, the above contention of the appellant was disbelieved by the learned Tribunal as the claimant Anguri Devi had failed to examine any doctor to prove the above assertion. The appellant had also produced medical bills Ex.P-39 to Ex.P-92. However, the said bills could not be read into evidence as the appellant had failed to examine the person who had issued the bills. The medical bills Ex.P-3 to P-38 for an amount of Rs. 4,130/- produced by the appellant were duly proved by PW2 Rakesh Kumar, shopkeeper. As such, the learned Tribunal granted Rs.4,130/- towards medical expenses. Ld. Tribunal further awarded Rs.20,000/- for pain and suffering thereby granting total compensation of Rs. 24,130/-.

It may be pointed out that even the present Grounds of appeal do not mention any ground to enhance the said amount. All that has been stated is that learned Tribunal was in error in discarding the medical bills Ex.P-39 to P-92. It has further been pleaded in the present Grounds of appeal that interest should be granted @12% per annum. However, there is no evidence produced either before the learned



Tribunal or before this Court to make good the assertion of the appellant that the appellant had undergone operation and that iron rod had been inserted. Thus, I find no error in the impugned Award dated 27.02.2001.

Hence, the present appeal is hereby **dismissed**.

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

**18.02.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No