



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

(215)

**FAO no. 5074 of 2003
Reserved on:23.09.2025
Pronounced on:25.09.2025**

RAJESH**... Appellant****Versus****ISHWAR SINGH****... Respondent****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Sushil Sheoran, Advocate,
for the appellant.

None for the respondent

VIRINDER AGGARWAL, J.

1. The present appeal has been filed by the appellant assailing the award dated 26.08.2003 passed by the learned Motor Accident Claims Tribunal, Bhiwani, as contrary to law, contrary to settled judicial principles, and against the weight of evidence available on record. The impugned award suffers from grave legal infirmities and is therefore liable to be set aside.

FACTS

2. The claimant-injured namely Ishwar, filed a petition under Section 166 of the Motor Vehicles Act, 1988 alleging that on 08.06.2000 at about 9:30 a.m., while he was walking with his nephew near the bus stand close to the liquor vend, he was struck from behind by Tata Sumo No. HR-10E-3282, allegedly driven rashly and negligently by the respondent-appellant Rajesh. As a result of the accident, the claimant sustained multiple injuries including fractures of both



bones of the right leg, for which he was initially treated at General Hospital, Bhiwani and later referred to PGIMS, Rohtak, where he underwent surgery with insertion of a T-plate.

3. The learned Tribunal, upon the appreciation of the evidence held that the accident dated 08.06.2000 was caused by the rash and negligent driving of respondent Rajesh. The learned Tribunal held that the injured, Ishwar Singh, was struck from behind while walking with his nephew Dharamvir to catch a bus, resulting in multiple injuries, including fractures of both bones of his right leg. The learned Tribunal relied upon the FIR, testimony of witnesses (PW2 Dharamvir) and medical evidence (PW3 Dr. R.S. Punia), and upon thorough evaluation of the disability certificate issued by the Medical Board, it determined that the injured, suffers from a 25% permanent disability, primarily impacting his right shoulder and leg. The learned tribunal rejected Respondent/Appellant plea of denial of involvement, noting his ongoing criminal trial under Sections 279/337 IPC (FIR No. 214 dated June 14, 2000), and found the accident was solely due to his negligence. Consequently, the leaned Tribunal held that petitioner was entitled to compensation. Thus, total compensation of ₹86,535/- with interest rate of 9% per annum was granted.

CONTENTIONS

4. Learned counsel for the appellant assailed the award on ground that learned Tribunal has erred in law as well as on facts. Claimant has utterly failed to establish that the alleged accident was caused by or with involvement of the vehicle of the appellant. The alleged accident is stated to have occurred on 08.06.2000, whereas the FIR was lodged belatedly on 14.06.2000, after an unexplained delay of six days. Such an inordinate delay in lodging the FIR



renders the prosecution story highly doubtful and indicative of an afterthought, concocted only with the motive of falsely implicating the appellant's vehicle to secure compensation. Further, Learned counsel for the appellant contested that learned Tribunal has wrongly presumed 25% disability of whole body without taking any evidence into consideration. In the absence of cogent and convincing evidence against the appellant, the impugned award cannot be sustained in law.

OBSERVATIONS AND FINDING

5. I have heard learned counsels for the parties and perused the available record, particularly the award passed by the learned Tribunal.

6. After considering the contention that the delay in registration of the FIR should invalidate the Tribunal's decision, this Court finds no merit in the argument. The FIR in the present case was lodged on 14.06.2000, i.e., six days after the occurrence of the accident on 08.06.2000. Such a delay, in the facts of the case, is not sufficient to discredit the claimant's version, as it does not in any manner negate the substantive evidence regarding the accident and the injuries sustained. As in this case immediately after the accident, the claimant was shifted to the hospital and remained under treatment for grievous injuries, including multiple fractures. In such circumstances, the natural priority of the injured and his family members would be to arrange for urgent medical care rather than to rush to the police station to lodge the report. Moreover, investigation agency after investigating the matter, found substance in version of FIR and final report was submitted against the appellant.

7. Moreover, It is a settled principle that delay in filing the FIR, in the absence of any indication of fabrication or mala fide intent, cannot by itself be a ground to reject a genuine claim. The consistent testimony of the witnesses,



duly supported by medical records, cannot be overshadowed merely on the ground of such delay. The Hon'ble Supreme Court in *New India Assurance Co. Ltd. v. Velu & Anr.* 2025 (1) PCCR 407, has held that while delay in registration of the FIR is not, by itself, a ground to reject a motor accident claim, such delay may acquire significance only where the substantive evidence is weak or contradictory. In the present case, the medical records and the disability certificate issued by the Medical Board, PGIMS, Rohtak, conclusively establish that the claimant had suffered fractures leading to 25% permanent disability. There is no infirmity in calculation of compensation. Thus, the delay of six days in lodging the FIR does not in any way affect the credibility of the claimant's case or the findings of the Tribunal.

8. The award of the learned Tribunal, granting compensation to the claimant for injuries suffered due to the respondent's rash and negligent driving, is upheld.

9. Accordingly, the appeal is found to be devoid of merit and is, accordingly, dismissed.

10. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

25.09.2025
Saurav Pathania

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