



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

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FAO-4253-2001

Date of decision :03.09.2025

RAJBIR

... APPELLANT

VERSUS

SUKHBIR SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. B.S. Mamli, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No. 3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

The present case pertains to a situation where the original records were destroyed in a fire incident, and only a photocopy of impugned award dated 01.03.2001, passed by Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred as 'Tribunal), is available. As per the impugned award dated 01.03.2001, the claim petition filed by the injured claimant, Rajbir, was dismissed with the Tribunal finding his case to be doubtful.

2. Perusal of findings of the learned Tribunal reveals that the learned Tribunal has found evidence of claimant Rajbir who appeared as PW to be false and unreliable, particularly in the light of the testimony of RW-2, Shiv Shankar, who was employed as a godown keeper at the FCI godown. RW-2 from official records pertaining to July 1997 showed that no truck was loaded on 22.07.1997, and that truck No. PJ0-6058 was loaded on 12.07.1997. The case of claimants on



the other hand was that he was employed as a cleaner by respondent Nos. 1 and 2 on truck No. PJ0-6058 and on the date of accident, truck was loaded with rice and had reached Jagadhari railway station (Yamuna Nagar) for unloading. The truck was being driven by respondent No. 1, he was adjusting the truck by the side of railway wagon, while reversing the truck in rash and negligent manner claimant's right leg came between dalla (side iron flap) of the truck and railway wagon, resulting in a fracture. Initially, the date of the accident was stated by the claimant to be 22.07.1997 but subsequently he sought amendment of pleadings vide his application dated 08.12.2000, vide which he had tried to correct the date of the accident to be 12.07.1997.

3. The learned Tribunal has further noticed that indoor register, marked as Ex-R-3, reveals overwriting on the name of the patient. The Tribunal concluded that the possibility cannot be ruled out that the name of Rajbir had been written over some other name. PW-5 also admitted that the bill Ex. R-5, contained overwriting in date.

4. It is pointed out by the learned counsel for respondent No. 3 that after leading evidence, an application for amendment was moved, however, the same was never allowed. Petitioner had tried to change the facts and started claiming that the date of accident was 12.07.1997 not 22.07.1997 as stated in original claim petition, however, there is no evidence on record to show that said amendment was ever allowed.

5. The order of learned Tribunal clearly reflects that the Tribunal had considered the date originally given in the main claim petition, i.e., 22.07.1997, alone as the date of the accident and accordingly concluded that no accident had taken place on 22.07.1997, as was alleged by the respondents.



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6. In view of the conclusions drawn by the learned Motor Accident Claims Tribunal, Jagadhri (Yamuna Nagar), in the absence of any other material on record to take a contrary view, I do not find any reason to interfere with the award passed by the learned Tribunal. Present appeal is, therefore, devoid of merit and is accordingly dismissed.

03.09.2025
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(PARMOD GOYAL)
JUDGE

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