



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**FAO-6362-2017 (O&M)
Date of decision: 21.08.2025**

Sunita

...Appellant(s)

Vs.

Vinod and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amit Singla, Advocate for the appellant.

NIDHI GUPTA, J.

The present appeal has been filed by the injured-claimant against the dismissal of her claim petition by the learned MACT, Hisar (hereinafter 'the Tribunal'), vide Award dated 04.05.2017 passed in MACT Case No. 113 dated 12.10.2015 filed under Section 166 of the Motor Vehicles Act, 1988.

2. Brief facts of the case are that the Tribunal upon appraisal of the pleadings as well as oral and documentary evidence led before it, concluded that the appellant had been unable to prove that the appellant had sustained injuries in the accident that took place on 11.07.2015 due to rash and negligent driving of a Maruti Van bearing registration No. HR-39B-4204 (hereinafter "the alleged offending vehicle"), which was being driven and owned by respondent No.1; and insured by respondent No.2.



3. Learned counsel for the appellant assails the impugned Award by submitting that the learned Tribunal was in error in dismissing the appeal of the appellant on the ground of delay in registration of FIR. It is submitted that after the accident in question, appellant was firstly admitted in General Hospital, Hansi. Since the appellant was in critical condition, she had been admitted in General Hospital, Hisar; whereafter she was taken by her husband against medical advice to Jindal Hospital, Hisar; where she remained admitted as indoor patient from 11.07.2015 to 22.07.2015. It is submitted that on 12.07.2015, the Police had sought opinion from the Medical Officer at General Hospital, Hisar regarding recording of the statement of the appellant upon which he was informed that patient/appellant had left after taking leave against medical advice on 11.07.2015 at 3:30 p.m. On 19.07.2015, Police had again sought opinion from Medical Officer Jindal Hospital, Hisar upon which, appellant was found to be medically fit to record her statement resulting in the consequential delay in registration of FIR. Learned counsel submits that clearly therefore, the said delay could not have been held against the appellant.

4. It is further submitted that in dismissing the claim petition, learned Tribunal has placed uncalled for reliance upon the non-examination of eyewitness Mamta, who had noted down the number of the alleged offending vehicle. It is submitted that since appellant herself was eyewitness, and she/appellant had been told the number of offending vehicle by Mamta, therefore, Mamta was not examined; and the same



cannot be held against the appellant. Learned counsel further submits that proceedings before the learned Tribunal are summary proceedings and have to be tested on the preponderance of probabilities. It is accordingly prayed that the present appeal be allowed; and impugned Award dated 04.05.2017 be set aside.

5. No other argument is raised on behalf of the appellant.

6. I have heard Id. counsel and perused the case file in detail.

7. I find no merit in the submissions made on behalf of the appellant. A perusal of the record of the case shows that except for her own testimony as PW1, the appellant has adduced no evidence to prove that the accident had taken place due to rash and negligent driving of the alleged offending vehicle by respondent No.1. It was the case of the appellant that on 11.07.2015 at about 11:00 a.m., she alongwith Rajesh wife of Pardeep, and Mamta wife of Azad were binding bundle of fodder for cattle on the side of Jind Hansi road near the fields when the alleged offending vehicle being driven at high speed, in a rash and negligent manner, came and struck against the appellant and Smt. Rajesh, as a result of which they both suffered multiple and serious grievous injuries. It is further pleaded that the appellant *“became unconscious at the spot and Smt. Rajesh with the help of passerby took her to GH Hansi where she was given first aid and medico-legally examined and looking to the critical condition, she was referred to GH Hisar from where she was taken to Jindal Hospital Hisar where she came to senses and on her statement, the police recorded her statement and FIR no.235 dated 19.7.2015 was registered against the respondent no.1”*.



8. However, in her cross-examination, the appellant had admitted that Mamta was educated up to 7th standard; that Mamta was conscious after the accident; and that Mamta had noted down the number of the offending vehicle. Despite these facts, FIR was not registered on time and was registered with a delay of eight days only on 19.7.2015. Even further, Mamta has not been examined. These facts are recorded in the impugned Award as follows:

“In her cross examination, she deposed that Mamta had noted down the number of the offending vehicle. The husband name of Mamta is Azad and they are residing at village Gangabheri. Mamta is educated upto seven standard. She was conscious after the accident. The police met her in Jindal Hospital Hisar on 19.7.2015. Her husband came to her when she was admitted in Civil Hospital Hisar. On the same day, she narrated the accident and name of the offending vehicle to her husband. She had mentioned in her statement to the police that Mamta had noted down the number of offending vehicle. She has seen copy of her statement Ex.R1 given to the police wherein the name of Mamta having noted the number of offending vehicle is not recorded.”

9. From a bare reading of the above, it is clear that delay in registration of FIR has not been satisfactorily or sufficiently explained by the appellant. First of all, it is her own case that her husband namely, Suresh had visited her the same day at General Hospital, Hisar whereupon she had narrated the entire incident alongwith details of offending vehicle to her husband. No explanation has been given as to why husband of the appellant



did not get the FIR registered on the same day. Secondly, it has been admitted by the appellant that Mamta, eyewitness was conscious and was present at the spot of accident and that she is also educated. Again, no explanation is given as to why Mamta did not approach the Police even though, she had noted down the registration number of the offending vehicle. What is more, Mamta is not even examined. Furthermore, the claimant had disclosed details of the offending vehicle to her husband; why were the same not disclosed to the Doctor who had examined her either at General Hospital, Hansi; General Hospital, Hisar; or Jindal Hospital, Hisar. Even eyewitness Smt. Rajesh is not examined by the appellant. Further oddity is that the appellant had deposed that she was taken to the hospital by Mamta and Smt. Rajesh; whereas in the MLR Ex.P74, it is recorded that the appellant was taken to the hospital by her husband. All these factors cast shadow of doubt on the case set up by the appellant.

10. Keeping in view the aforesaid facts, it would appear that the offending vehicle has been sought to be falsely planted and implicated in the present case.

11. Accordingly, the present appeal is hereby **dismissed**.

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

21.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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