



207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5216-2011 (O&M)
Date of decision : 25.08.2025

TEJ SINGH

....Appellant

Versus

MAHEDNER SINGH & ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate
for the appellant.

Respondent No.1 & 2 already proceeded *ex parte*
vide order dated 09.05.2012.

Mr. D.R. Bansal, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Challenge is to the award dated 26.02.2011 passed by MACT,
Rewari.

2. Claimant approached Tribunal with a claim petition under
Section 163-A of the Motor Vehicles Act, 1988 (hereinafter referred to as
'the 1988 Act') seeking compensation for the injuries sustained by him in a
motor-vehicular accident, dated 04.02.2008.

3. As per the claimant, on the fateful day while he was coming
back to his house on a bicycle carrying milk, he was hit by a car bearing
Registration No.HR-36J-6527 from behind. He remained confined to bed



for almost about three and a half months. After he recovered, he lodged DDR No.44, dated 11.06.2008 claiming that he had to incur medical expenses of Rs.1,00,000/- approximately and has been rendered permanently disabled. The claimant claimed Rs.5,00,000/- as compensation.

4. The claim petition filed by the claimant was contested by the respondents denying the accident.

5. On the basis of the pleadings of the parties, Tribunal framed the following issues:

1. Whether the accident in question took place on 4.2.2008 at about 4.00 p.m. in the revenue estate of village Kabriwas is an outcome of rash and negligent driving of offending vehicle No.HR-36J-6527 by Mahender Singh respondent No.1? OPP
2. Whether petition Tej Singh is entitled to compensation for the injuries suffered in the aforesaid accident, if so in what amount and from whom? OPP
3. Whether the petition is not maintainable? OPR
4. Whether respondent No.3 is entitled to repudiate the contract of insurance on the grounds alleged? OPR
5. Relief.

6. Answering Issue No.1, the Tribunal found that apart from a DDR which was recorded four months after the accident, there is no other evidence to prove vehicular accident as claimed by the claimant. Delay of four months in lodging DDR remained unexplained. The explanation offered by the claimant regarding loss of memory was also found to be not trustworthy as the claimant neither brought on record any medical document



to prove loss of memory, rather his conduct proved otherwise. Strangely, he claimed to have lost memory after the accident but still could spell out not only the registration number of the offending vehicle, but also name and parentage of the driver after four months.

7. Counsel for the appellant has assailed findings of the Tribunal. He submits that claimant approached Tribunal seeking compensation under Section 163-A of the 1988 Act. Injury suffered by him and the expenses borne were fully proved by testimony of PW-2 Satish Kumar, Record Keeper, Birendra Hospital, Rewari and thus the Tribunal ought not have non-suited the claimant, dismissing the claim petition.

8. Per contra, counsel representing respondent No.3, submits that the falsity of the claim of the claimant is evident on record. DDR No.44 dated 11.06.2008 was registered after four months of the incident. An attempt was made to cover up the delay by taking a false plea w.r.t. loss of memory and confinement to bed. Both of them were also found to be false. He submits that the claimant having miserably failed to link the injury suffered by him to a motor-vehicular accident, Tribunal rightly non-suited him.

9. I have heard counsel for the parties and have carefully gone through records of the case.

10. Trite it is that standard of proof in proceedings under Motor Vehicles Act, 1988, is 'not beyond reasonable doubt' but 'preponderance of probabilities'. However, at the same time, the claimant who approaches



Tribunal claiming compensation, is required to lead evidence to link the injury to the accident claimed to have caused it. In the present case, in order to prove accident the only document that has been brought on record is copy of DDR No.44 dated 11.06.2008 which was lodged after an unexplained inordinate delay of four months. Even the version given in DDR was found to be discrepant and totally at variance with the testimony of the claimant before the Tribunal when he stepped into the witness-box as PW-1. That apart, the story projected by the claimant w.r.t. loss of memory as a reason for delay in complaining of the accident, has also not done any good to the cause of the claimant and has rather put whole of the story projected by him under cloud.

11. In view of aforesaid circumstances, this Court finds that no fault can be found with the view manifested by the Tribunal on the basis of evidence on record. Resultantly, finding no merit in the present appeal, the same is ordered to be dismissed.

August 25, 2025

**(Pankaj Jain)
Judge**

Dpr

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