



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

340

Date of decision : 19.05.2025

1. CR-4820-2024 (O&M)

Harpreet Singh

..... Petitioner

versus

Gurcharan Kaur and others

..... Respondents

2. CR-4865-2024 (O&M)

Harpreet Singh

..... Petitioner

versus

Navneet Kaur and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Shubreet Kaur, Advocate  
for the petitioner.

Dr. Malvika Singh, Advocate (Amicus Curiae)  
for respondent No.1.

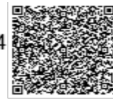
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**PANKAJ JAIN, J. (Oral)**

1. These are two petitions. With the consent of the counsel representing parties, CR-4820-2024 is taken up to be the main case.

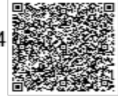
2. Challenge is to the order dated 31.07.2024 (Annexure P-11), whereby application filed by the respondent-driver in the proceedings under Motor Vehicles Act stands rejected.

3. Petitioner who has been arraigned as driver of the offending vehicle filed present application seeking amendment of the written statement. The proposed amendment was to incorporate a preliminary objection based upon factual assertions. The proposed



amendment reads as under:-

“PO No. 6 That on 29.7.2020, the driver namely Harpreet Singh was going to Bhatinda via Patiala Bye-pass in the above said CAR due to some work and when the driver reached near Sullar Main Chownk on the said Bypass then at about 5:45 AM some stray cattle came on the highway and stuck in Car and then Car stuck with the pillar/railing on the said Road and as such Main Windscreen, Bonut and Fender of the Car were damaged. Since the vehicle was in running condition and there was no alternative with the driver he decided to drive the CAR at slow speed and to park it at some save place but when he was about 2/3 Kms away from Patiala Samana Chownk, he saw that two persons were badly injured and were lying on the ROAD and it seem to him that they have met with an accident but the offending vehicle had already ran away and since the driver had also met with an accident few minutes earlier but with the grace of GOD he was safe and had suffered no major injury and as such in order to help the injured persons on humanity ground he stopped the CAR and tried to help them and asked the cause of their accident, then one person/injured disclosed that they are cyclists and were doing cycling but one over speed vehicle hit them and they fell down and suffered injuries and said offending vehicle ran away after hitting them and taking the benefit of the fact that nobody saw the accident. In the meantime, one person on CYCLE reached there and he told that driver to pay Rs One Lac to him otherwise he will concoct a false story that accident was caused due to rash and negligent driving of Hyundai Creta Car and that he will become EYE WITNESS, the driver/ respondent No.1 was shocked to hear such words from the mouth of said person and the respondent No.1 flatly refused to pay anything to him and told that person that when he reached the site, the said cyclists were already lying on the road and no accident took place with his vehicle but said person was not ready to hear anything and he started recording VIDEO in his mobile phone. In the meantime, some persons reached there and they told that one of the cyclist is Manager of Marriage



Palace namely ALCAZAAR which is owned by Shri Bharat Inder Singh Chahal, Media Advisor to Hon'ble Chief Minister of Punjab and Police of Police Station Passiana also reached there and they took the driver /respondent No.1 and the CAR to the Police Station Passiana and they all failed to hear the respondent No.1 and roped him in false case, whereas no accident took place with the vehicle of the car or due to driving of the respondent No.1.”

4. Counsel for the petitioner submits that it is not a case wherein the stand is being improved by the driver. Rather right from beginning, the stand of driver was same and the same is evident from the complaint filed under Section 35 of the Consumer Protection Act before District Consumer Dispute Redressal Commission, Patiala. Reference is being made to para 2 of the complaint placed on record as Annexure P-5 which reads as under:-

“That on 29.7.2020, the driver of the complainant, namely Harpreet Singh was going to Bhatinda via Patiala Bye-pass in the above said CAR of the complainant due to some work and when the driver of the complainant reached near Sullar Main Chownk on the said Bye-pass then at about 5:45 AM some stray cattle came on the highway and stuck in Car and then Car stuck with the pillar/ railing on the said Road and as such Main Windscreen, Bonut and Fender of the Car were damaged.”

5. She thus, submits that the factual assertion could not be incorporated in the written statement due to inadvertence of the counsel who interestingly was also handling consumer complaint. She thus, submits that for fault on part of the counsel, the petitioner should not be made to suffer.



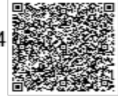
6. Counsel for the respondent opposes the application. She refers to penultimate paragraph of the impugned order to submit that the Tribunal rightly held that the written statement was filed almost two and a half year after the accident in question and thus, it cannot be said that the fact was not in the knowledge of the driver. She thus, submits that driver at this stage, cannot be allowed to improve upon his version before the Tribunal. In support of her contention, she relies upon *Nachattar Singh v. Sushil Kumar and others 2016(5) RCR (Civil) 289*.

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

8. Trite it is that the law of amendment in the case of written statement is much liberal as compared to proposed amendments in the plaint. In the present case, once the petitioner has shown the stand taken before the Consumer Court, prior to filing of the written statement, it cannot be said to be that proposed amendment is improvement in the version of the driver. Evidently, the inadvertence on the part of the counsel has been demonstrated.

9. In view thereof, this Court finds that the impugned order passed by the driver cannot be sustained and the present revision petitions deserves to be allowed.

10. As a sequel of aforesaid discussion, the impugned order dated 31.07.2024 (Annexure P-11) is set aside. The amendment proposed vide application Annexure P-9 is allowed. Tribunal shall allow the petitioner to place on record amended written statement and shall proceed with the petition accordingly.



11. A photocopy of this order be placed on the file of other connected case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(PANKAJ JAIN)  
JUDGE**

**19.05.2025**

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No