

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****242****FAO-3121-2011(O&M)****Date of decision: 13.05.2026****Amit (minor)****...Appellant(s)****Vs.****Ranjit @ Bholu & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Tara Chand Dhanwal, Advocate
for the appellant.Mr. Nitin Gupta, Advocate
Jasleen Chhibber, Advocate
for respondent No.3.

NIDHI GUPTA, J.

Present appeal has been filed by the injured-claimant laying challenge to the Award dated 23.12.2010 passed by the Motor Accident Claims Tribunal, Bhiwani (hereinafter 'the learned Tribunal') whereby Claim Petition No.135 dated 02.09.2009 filed by the appellant under Section 166 of Motor Vehicles Act (hereinafter "the Act"), has been dismissed.

2. The pleaded case of the appellant before the learned Tribunal in the Claim Petition as recorded in Para 2 of the Award is that: -

"2. Amit was a student. He also used to sell milk and was earning Rs.5000/- per month. He is 17 years old. On 19.7.2009 at 8:30 PM, he was standing at the 'Shivir' at village Bamla. At that time a motorcycle came at a high speed and struck against him and he fell down. The claimant called up Ravinder, his cousin and he came and took him to the hospital. The claimant



was admitted in the hospital for a night. The next day he was taken to Anand Nursing Home. It was pleaded that claimant came to know that the motorcycle driver was Ranjit and Bahadur was the owner. It was pleaded that he did not know the motorcycle number and would provide the information when he came to know it. It was pleaded that it was Ranjit who had caused the accident. It was pleaded that he had become permanently disabled and his treatment was still going on and major operation of right leg had been carried out and he had spent Rs.50,000/- on his treatment. The claimant was seeking compensation of Rs.5,00,000/- from the respondents.”

3. Learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the appellant has failed to prove his case. Accordingly, Claim Petition came to be dismissed vide Award dated 23.12.2010.

4. Learned counsel for the appellant assails the impugned Award by submitting that in dismissing the Claim Petition, the learned Tribunal failed to appreciate that the appellant had duly registered FIR against the respondent No.1; in which respondent No.1 is facing trial; as admitted by respondent No.1 himself while appearing as RW1. It is submitted that the same is sufficient to conclude that accident had taken place in which appellant had been injured.

5. It is further submitted that there was delay in registration of the FIR as the appellant has suffered 100% permanent disability in the



accident in question. Even otherwise, FIR was registered on the very next day i.e. on 20.07.2009.

6. The learned Tribunal has also failed to appreciate that the appellant suffered grievous injuries on his person. He remained admitted in Ranvir Hospital, Bhiwani on 19.07.2009 and shifted to Anand Nursing Home, Bhiwani on 20.07.2009 where he remained admitted up to 04.08.2009. During his admission, major operation of right leg of the appellant was conducted and a rod was inserted. He remained under treatment for long and has suffered permanent disability. It is accordingly prayed that the present appeal be allowed and impugned Award be set aside and compensation be awarded to the appellant.

7. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellant and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

8. No other argument is made on behalf of the appellant. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellant.

9. The findings of the Id. Tribunal as recorded in Para 12 of the impugned Award are self-speaking and sufficient which reads as follows: -

"12. The accident took place on 19.7.2009 at 8:30 PM. The FIR was lodged three days later. The MLR is Ex.PW3/A is dated



21.7.2009. The arrival in the hospital is on 20.7.2009. There is no evidence to show that the claimant remained admitted in some other hospital prior to his admission. The claimant has not stepped in the witness box. No eyewitness has been examined and no finding can be given on the basis of the FIR or the fact that driver was facing trial. Rajbir PW1 had admitted that he had not witnessed the occurrence. Similarly Ravinder PW2 had stated that he had reached the spot after getting a call from his cousin. He too was not present on the spot. Third witness examined by the claimant is Dr.P.K. Anand who is not an eye witness. PW4 Balbir Singh Reader had only proved that the driver was facing trial. It is a case of no evidence. Claimant has failed to prove that the respondent No. 1 had caused accident. Even till the time of filing of claim petition, the registration number of the motorcycle was not known to the claimants. It was not proved as when the claimant came to know about the vehicle. The claimant has also kept away the final report prepared by the police. It could have given the date of arrest. The factum of negligence cannot be proved from the FIR. The claimant has failed to prove the issue and is answered against him."

10. Besides the above incriminating findings, a further perusal of the MLR (Ex.PW3/A) dated 21.07.2009 shows that it is recorded therein that the appellant has only suffered deep abrasions and that there is pain and swelling on the right leg of the appellant. It is further recorded in the MLR that as per X-ray the appellant is shown to have suffered fracture of right leg



bone. Learned counsel for the appellant has been unable to show anything whatsoever from the medical record of the appellant to indicate that the appellant had undergone any operation. There is not even a smidgen of evidence to show that the appellant has suffered any disability let alone 100% permanent disability. Learned counsel for the appellant has not made reference to any Disability Certificate either.

11. Learned counsel for the appellant is unable to dispute or controvert the aforesaid facts and findings.

12. In view of the above, no ground is made out to interfere in the impugned Award. The present appeal accordingly, stands **dismissed**.

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

13.05.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No