

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH`

FAO No.2093 of 2003 (O&M)
Date of Decision:12.02.2015

Rambir

....Appellant

Versus

Chaman Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. A.K. Tyagi, Advocate the appellant.

Mr. Davinder Bir Singh, Advocate for respondents No.1 & 2.

Mr. Rajesh K. Sharma, Advocate for
Mr. Navin Kapur, Advocate for respondent No.3-
National Insurance Company Ltd.

NAVITA SINGH, J.

1. The appeal was filed against the award dated 24.9.2002 passed by Motor Accident Claims Tribunal, Karnal (Tribunal for short), whereby the petition filed by the appellant was dismissed.

2. The petition was dismissed as the appellant had failed to lead any evidence before the Tribunal. He did not step into the witness box even himself. Adjournment was sought. Despite availing four opportunities, no evidence was led and, therefore, ultimately the Tribunal declined the request for adjournment and dismissed the petition. It is not understandable as to for what reason the appeal was filed because in the grounds of appeal, the facts of the case were mentioned and Section 140 of the Motor Vehicles Act was reproduced. The appellant wanted compensation for no fault liability.

3. Learned counsel for the appellant argued that admittedly there was no evidence but the Tribunal granted only three opportunities and also gave nothing on account of no fault liability. He probably was oblivious to the fact that even for getting compensation on account of no fault liability, the factum of

accident/use of a motor vehicle was to be proved. Merely by filing a petition, the appellant was not entitled to receive compensation. Also four, not three, opportunities were given to the appellant to lead evidence but he did not bother even to make his own statement. Nothing at all was mentioned in the grounds of appeal as to what prevented the appellant from leading any evidence.

4. The appeal is totally devoid of merit and is dismissed.

**(NAVITA SINGH)
JUDGE**

12.02.2015
Ishwar

Whether to be referred to reporter: Yes