

THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO No. 1514 of 1994 (O&M)

Date of decision : 19.02.2015

Bhartu Ram

.....Appellant

Versus

Ranjit Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Ms. Neeru Bansal, Advocate for
Mr. Hari Om Sharma, Advocate
for the appellant

Mr. Amit Kashyap, Advocate for
Mr. Rajinder Goyal, Advocate
for respondents No. 1

Mr. Neeraj Khanna, Advocate
for respondent No. 3

ANITA CHAUDHRY, J.

C.M. No. 2504-CII of 2001

Learned counsel for the appellant states that she does not press the application as the appellant was not contacting her though she had made several attempts.

Application is dismissed as withdrawn.

FAO No. 1514 of 1994

The appellant is aggrieved by the dismissal of the claim petition filed under Section 166 of the Motor Vehicle Act, 1988. The

claimant had pleaded that he had suffered injuries in a road side accident which occurred on 16.06.1991. The claimant was going on his cycle. Respondent No. 1 came on scooter from behind and hit the cycle. The Tribunal recorded a finding against claimant on issue No. 1 as contradictory statements were made.

The record of this case had been destroyed in a massive fire which took place in the High Court. However, counsel for the appellant has placed on record copy of the statement made by Bhartu Ram.

The submission on behalf of the appellant is that Kulwant Raj had supported the statement of the claimant and there was sufficient corroboration and the claim should have been allowed. It was urged that the involvement of the scooter in the accident had been proved and if there was contradiction regarding the driver then the Insurance Company could file a suit and recover the amount from that person and it was primarily responsible for payment of compensation being the insurer of the scooter.

The submission on the other hand was that claim petition was dismissed as the identity of the person driving the scooter had not been proved and the witnesses appearing for the claimant had named different persons. It was urged that Gurdial Singh had stated in the examination-in-chief that the scooter was driven by respondent No. 1 but he had named Jang Bahadur before the police and Kulwant Raj had stated that he had not seen Ranjit driving the vehicle and he himself came forward and admitted the accident.

Bhartu Ram claimant had suffered injuries in the accident

and was taken to the hospital. He had fallen unconscious after the accident and had not seen the driver. His statement is silent about the negligence or the involvement of the driver. The claimant had stated that his brother, Kulwant Raj had seen driver. Kulwant Raj stated that he did not know who was driving the scooter. Gurdial Singh PW-4 supposedly an eye witness initially stated that scooter was driven by respondent No. 1 but in cross-examination admitted that he had made a statement to the police and had named Jang Bahadur son of Sukhdev Singh as the driver. The Tribunal found contradictory statements and rejected the story. There is no reason to take a different view. No evidence was led to show that the police had challaned Ranjit Singh. The finding is affirmed.

The appeal is dismissed.

19.02.2015

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(ANITA CHAUDHRY)
JUDGE