

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

FAO No.305 of 2001 (O&M)  
Date of Decision:23.09.2015

Geeta and others

....Appellants

Versus

Sanjay Kumar and others

....Respondents

**CORAM: HON'BLE MS. JUSTICE NAVITA SINGH**

Present: Mr. Kulvir Narwal, Advocate for the appellants.

None for the respondents.

**NAVITA SINGH, J.**

**CM No.22756-CII of 2002**

This is an application to condone the delay of 488 days in filing the cross objections. However, no valid reason has been given for the delay. Usual and lame excuse has been taken that the brief of the case got mixed up with the other cases. No ground is made out for condoning the delay.

The application is dismissed.

**Cross Objections No.87-CII of 2002**

Since the delay is not condoned, the cross objections are dismissed. Even otherwise, those are liable to be dismissed as no one is present today and even on the earlier dates consecutively.

**FAO No.305 of 2001**

1. This appeal is preferred against award dated 12.10.2000 passed by Motor Accident Claims Tribunal, Rohtak (Tribunal for short), whereby petition filed by the appellants was dismissed.
2. The version of the appellants in the claim petition was that on 5.4.1999 deceased Rameshwar had boarded a jeep No.HR-46A-5128 along with others persons for going from Jhajjar to Rohtak at village Karontha. One Raj

Singh son of Munshi Ram also boarded the said jeep. The jeep was being driven in a rash and negligent manner by driver Sanjay, who was told to be careful. When the vehicle reached near bus stand in village Simli, the deceased, who was sitting on the road side of the jeep, fell on the road and was crushed under the rear wheel of the jeep. He died at the spot. The matter was reported to the police by Sarpanch Deep Chand of Village Simli and a case was registered against the driver of vehicle No.HR-12B-0216.

3. Counsel for the appellants argued that the number of the vehicle was wrongly given by the Sarpanch to the police because the jeep, out of which deceased had fallen, did not have a registration number on the relevant date and the number allotted later on was HR-46A-5128. However, it may be pointed out here that nothing was mentioned in the petition at any place whatsoever that the number given by Deep Chand, Sarpanch to the police was wrong.

4. A categorical plea was taken in the written statement by the driver and owner that vehicle No.HR-46A-5128 was wrongly involved and an additional plea was also taken that the owner of jeep No.HR-12B-0216 must have colluded with the appellants to avoid his liability and despite this plea taken in various parts of the written statement, no rejoinder was filed by the appellants, meaning thereby that they admitted the averments made in the written statement.

5. The Investigating Officer appeared as PW4 and admitted that at the time of lodging of FIR, Deep Chand, Sarpanch of village Simli had disclosed the number of the jeep as HR-12B-0216 but the police official admitted that he did not even try to verify as to who was the owner of the vehicle and whether that vehicle was or was not involved in the accident. Ten days after the accident, he recorded the statement of Raj Singh son of Munshi Ram and believed his statement that the vehicle was bearing No.HR-46A-5128. He had no reason to do so without verifying the actual facts.

6. Even Raj Singh, who appeared in court as PW2 and signed his statement as Rajbir Singh, appears to be an introduced witness because it is the case of the appellants that he had boarded the jeep on the way from a different village. He did not give the number of the jeep which was allegedly allotted the number later on and admitted that they had not informed the police about the accident. What prevented Raj Singh or Rajbir Singh, whatever his name be, and others from lodging FIR, is not explained.

7. So far as the criminal case is concerned, the Ahlmad from the court of Additional Chief Judicial Magistrate, Rohtak brought the file and obviously the number of the vehicle in the record of that case had to be HR-46A-5128 because for the reasons best known to the Investigating Officer, he had not made even an effort to find out why different number of the vehicle was given in the FIR and why Raj Singh had another number. The first version came from the mouth of Deep Chand, Sarpanch himself, who had no axe to grind and, therefore, that version is more to be believed.

8. Statement of Sewa Singh, Clerk regarding registration No.HR-46A-5128 having been provided on 7.4.1999 would be of no avail to the appellants because in the petition the engine number and chassis number of the vehicle were given whereas the Clerk from the office of Regional Transport Authority, Rohtak did not give the details. Deep Chand, Sarpanch also later on sided with the appellants and said that he did not know the number of the jeep and said that it was recorded in the FIR by the police on their own. This part of statement is not at all believable because the police had no personal interest in noting down the number as HR-12B-0216. Rather the statement of Deep Chand is fatal to the case of the appellants because the police had no interest in putting the number of the vehicle as given in the FIR. They would have stuck to that version and would not have changed number of the vehicle on the statement of Raj Singh.

9. The story put by the appellants was a bundle of lies and they got entangled on their own web. They badly failed to prove that the accident was caused as alleged in the petition and the claim was rightly rejected.

10. The appeal is dismissed.

**(NAVITA SINGH)  
JUDGE**

23.09.2015

Ishwar

**Whether to be referred to reporter: Yes**