

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

**FAO No.2836 of 2012 (O&M)
Date of Decision: January 30, 2015**

Manjit Kaur and others

..Appellant(s)

Versus

Oriental Insurance Co. Ltd. and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE ANITA CHAUDHRY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes

Present: Mr. Vikas Kumar Gupta, Advocate
for the appellants.

Mr. R.N. Singal, Advocate
for respondent no.1-insurance company.

ANITA CHAUDHRY, J.

1. This is appeal is by the claimant whose petition under Section 166 of the Motor Vehicles Act was dismissed by the Motor Accident Claims Tribunal, Ropar (here-in-after referred to as the Tribunal) on 20.05.2010.

2. Before referring to the submissions made on behalf of the appellant, it is apposite to refer to the relevant facts. On 07.09.2009, Lakhwinder Singh along with Rupinder Singh were coming on a scooter. They had reached village Sihon

Majra when a motorcycle driven by Amandeep Singh came from the opposite side. Sarabjit Kaur was on the pillion of the motorcycle driven by Amandeep Singh. The motorcyclist struck against the scooter driven by Rupinder Singh with the result that both the scooter riders fell down and sustained injuries and succumbed to the injuries on the way to the hospital.

3. The plea taken by respondent no.1 was that of denial. It was pleaded that the accident occurred on account of negligence of Rupinder Singh. The insurance company pleaded that no accident had taken place and D.D.R. had been lodged on wrong facts and the claim was false.

4. The Tribunal gave a finding against the claimant on issue no.1 and dismissed the claim petition.

5. The submission made on behalf of the appellant was that the Tribunal had ignored the statement of Narinder Singh, Sarpanch an eye-witness, on the ground that his statement before the Tribunal was contradictory to the statement recorded by the police in the DDR and the statement made in the Court should have been accepted. It was contended that Narinder Singh had explained that his signatures were obtained and wrong fact had been mentioned and the DDR had not been read over to him. It was urged that the Tribunal had wrongly ignored the evidence and compensation be calculated taking the income of the deceased at Rs.6,500/- per month.

6. The submission on the other hand was that soon after the accident, a DDR was lodged by none-else but Narinder Singh, Sarpanch who made a statement that none of the drivers were at fault and that was the first version given to the police and subsequently no-one approached the police to make any statement and no complaint was given to the higher officers that a wrong statement had been recorded by the police. Therefore, a different view could not have been taken and the witness had given a totally different version before the Tribunal which was rightly rejected.

7. The accident had taken place on 07.09.2009 at 7:40 PM. Narinder Singh, Sarpanch got a DDR lodged with the police that the accident had occurred but none of the drivers were at fault. The police took no action in the matter. The DDR was signed by the Sarpanch.

8. The claimants summoned Narinder Singh who made a totally different statement which was not accepted by the Tribunal. The reason for supporting the claimant were obvious. The claimant had managed to win him over. The DDR was the first version which was recorded on the next day. No complaint was given that the contents of the DDR were wrongly noted by the police. The statement made by the Sarpanch was rightly rejected as he had made two different statements, one before the police and other before the Tribunal. He was rightly held to be not a reliable witness. The respondents, on the other hand had examined Sukhwinder

Singh which contradicts the statement given by Narinder Singh, Sarpanch. There is no reason to take a different view. The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

January 30, 2015
sunil