

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

FAO No.5105 of 2012 (O&M)
Date of Decision: 20.01.2015

Gajjan Singh

....Appellant

Versus

Manwinder Singh Khaira and others

....Respondents

CORAM:HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. J.K. Puri, Advocate
for the appellant.

MAHAVIR S. CHAUHAN, J. (ORAL)

Award dated 04.06.2012 of learned Motor Accident Claims Tribunal, Chandigarh (for short 'the Tribunal') dismissing appellant's application to seek compensation on account of injuries statedly suffered by him in an accident which occurred when he was travelling in his car No.CH03U-3347, on his failure to prove the factum and manner of occurrence, is under challenge in this appeal.

It is argued by learned counsel for the appellant that in his affidavit Exhibit PW7/A appellant had given description of the occurrence but the learned Tribunal has failed to take note thereof. However, from perusal of the award it comes out that the appellant, no doubt, stated in the affidavit the circumstances as mentioned in the claim application but under

the stress of cross examination he has admitted that first respondent, driver

of the vehicle which was statelý involved in the occurrence, was not at fault, as regards the occurrence. Learned counsel for the appellant has not been able to show any evidence to the contrary.

In view of the above, findings recorded by learned Tribunal cannot be interfered with.

Dismissed.

20.01.2015
Pooja Saini

[MAHAVIR S. CHAUHAN]
JUDGE