IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.1333 of 2013 (O&M)
Date of Decision:06.10.2015

Randhir

….Appellant

Versus

Dinesh and others

….Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Anil Ghanghas, Advocate for the appellant.

Mr. Ajit Sihag, Advocate for respondents No.1 & 2.

Mr. D.R. Bansal, Advocate for respondent No.3-
United India Insurance Company Ltd.

NAVITA SINGH, J.

1. The present appeal is directed against the award dated 24.8.2012 passed by Motor Accidents Claims Tribunal, Bhiwani (Tribunal for short), whereby the claim of the appellant for compensation on account of injuries received by him in a road accident on 23.7.2010, was rejected.

2. Counsel for the appellant contended that the Tribunal erroneously declined to grant compensation though it was proved on record that the accident had taken place as alleged in the petition. It was contended that the Tribunal relied heavily on the FIR and held that the name of the driver and number of the vehicle having not been mentioned therein, the vehicle had been planted. Counsel for both sets of respondents argued that the Tribunal made no mistake in dismissing the claim petition because the appellant had travelled on the tractor to quite some distance but did not know the number nor knew the name of the driver. Also Prithvi, named as eye witness in the FIR, was not examined. Counsel for the appellant argued that the tractor was from the vicinity and, therefore, the appellant was able to identify the driver when he was arrested and he had told the police that he could identify the person who was driving the

tractor. If the tractor was from the neighbourhood of the appellant, there was all the more a reason for him to know the name of the driver and number of the tractor but he gave no particulars in the FIR. The person named as eye witness did not step in the witness box. The Tribunal rightly held that the claim had been staked in collusion with respondents No.1 and 2 by involving a validly insured vehicle to get compensation from the Insurance Company.

3. It is a matter of common knowledge these days that many claims are filed by showing vehicles which were not actually involved in any accident and on account of valid insurance, the vehicles are planted so that the Insurance Company may compensate the claimant(s) because in such cases the insured has no liability and he conveniently shakes hands with the claimant(s).

4. The award is not liable to be set aside as there is no illegality in the same. The appeal is dismissed.

(NAVITA SINGH)
JUDGE

06.10.2015
Ishwar

Whether to be referred to reporter: Yes