

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

FAO No.2109 of 2013 (O&M)
Date of Decision: February 05, 2015

Padam Singh

..Appellant(s)

Versus

Vinod Kumar and others

...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. Mohan Singh Rana, Advocate
for the appellant.

ANITA CHAUDHRY, J.

CM-9953-CII-2013

For the reasons set out in the application, same is allowed and delay of 6 days in filing the present appeal is condoned.

FAO No.2109 of 2013

1. This appeal has been preferred by the claimant as their petition for compensation was dismissed by the Motor Accident Claims Tribunal, Palwal (here-in-after referred to as the Tribunal).
2. Before referring to the submissions made on behalf of the appellants, it is apposite to refer to the relevant facts.

Padam Singh claimant met with an accident on 18.02.2008, regarding which an FIR was got registered on 22.05.2008 by Rajbir Singh. The claimant examined himself and one Ranbir Singh to depose regarding the accident. The Tribunal gave finding against the claimant on issue no.1 holding that the claimant had failed to prove the involvement of the vehicle. It was noted that the claimant had stated that he had been traveling in the same vehicle for the last one and a half year but did not disclose the number to the police. The Tribunal had noted that the claimant had failed to examine the author of the FIR and the only statement was that of the claimant which could not be accepted.

3. The submission made on behalf of the appellant is that the claim petition has been dismissed solely on account of the fact that there was a delay in lodging the FIR and copy of the FIR was produced which gives the vehicle number and the statement of the claimant was sufficient.

4. A perusal of the award shows that the Tribunal has elaborately dealt with the evidence and had found that though the accident had taken place on 6:30 PM on 18.02.2008 but the FIR was lodged on 22.05.2008 by Rajbir Singh who was not examined by the claimant. It also noted that the registration number of the offending vehicle was not mentioned in the FIR. The claimant besides examining himself had examined Ranbir Singh PW6, who was not an eye-witness. Ranbir Singh had admitted that he was not present

at the time of the accident and had reached the spot later. He had deposed that when he reached the spot, he saw a Tata 407 but failed to note its number. He had disclosed that he had come to know the registration number of the vehicle from the police. The Tribunal had rightly held that the vehicle had been planted with the view to extract compensation. There is no reason to take a different view.

The appeal is dismissed at the initial stage without notice.

(ANITA CHAUDHRY)
JUDGE

February 05, 2015
sunil