

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

F.A.O. No.1078 of 2015 (O&M)

Date of Decision: 09.02.2015

Sandeep

....Appellant

v.

Jagdeep and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. J.P. Sharma, Advocate for the appellant.

Navita Singh, J.

This appeal is filed against the dismissal of the claim petition filed by the appellant before the Motor Accident Claims Tribunal, Narnaul.

Counsel for the appellant submitted that there was sufficient evidence on record from which the case of the appellant stood proved but the Tribunal erred in not appreciating the same.

It was contended that the delay in the FIR occurred because the appellant was admitted in Pooja Hospital, Narnaul and then went to Government Hospital, Mohindergarh. His family was busy in taking care of him and for that reason, the police could not be informed earlier.

I would disagree with the arguments put forth by counsel for the appellant because the Tribunal passed a well-reasoned order mentioning the contradictions and discussing the evidence, showing that proper scrutiny of the material on record was done.

The FIR was lodged six days after the accident. The appellant stated in Court that he had been directly taken to Pooja Hospital after the accident whereas he did not disclose the fact that initially he was taken to

Government Hospital, Mohindergarh from where he was referred to a better hospital for management of the injuries. The father of the appellant was not witness to the accident but he gave all the details in the FIR. It was disclosed from the police proceedings that ruqa was received on 24.10.2013 from Government Hospital, Mohindergarh but the injured was not found there. According to police record, information about the case was given by the appellant himself to the police whereas he stated that his father had lodged the FIR.

One Pardeep was present with the appellant on the same motor-cycle at the time of accident but he was not examined.

The facts pointed out above coupled with other points discussed in detail by the Tribunal, it is felt that the petition was rightly dismissed with costs and the award calls for no interference.

The appeal is dismissed.

**(NAVITA SINGH)
JUDGE**

February 09, 2015
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Whether to be referred to the Reporter or not? Yes.