

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

**FAO No.3363 of 2013 (O&M)
Date of Decision: May 05, 2015**

Rajender

.. Appellant

vs.

Ved Pal and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Vikram Sheoran, Advocate for the appellant.

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh J.

CM-13864-CII-2013

There is delay of 99 days in filing the present appeal.

For the reasons mentioned in the application, delay of 99 days in filing the present appeal is condoned, subject to all just exceptions.

Application stands disposed of.

FAO-3363-2013

The claimant-appellant has filed the present appeal against the Award dated 24.07.2012 passed by the Motor Accident Claims Tribunal, Hisar (in short 'the Tribunal').

It is claimed by the claimant-appellant that on 15.08.2010, he along with some other persons was going from Hisar to Meham in Tata Sumo bearing registration No.HR-39B-0983. He was driving the said Tata Sumo. At about 2.00 p.m., when they reached near Shaheed Petrol Pump, near Meham, a Scorpio bearing registration No.DL-8CJ-9823 being driven by respondent No.1 in rash and negligent manner, came from opposite side and hit the said Tata Sumo. As a result of the accident, all the occupants of Tata Sumo including him received multiple injuries. The claimant-appellant further claimed that on the statement of Ved Pal, respondent No.1, the police falsely registered the FIR no.289, dated 16.08.2010 under Sections 279, 337, 338 and 427 IPC at Police Station Meham against him.

I have heard learned counsel for the appellant-claimant and has also carefully gone through the case file.

Learned counsel for the appellant-claimant has argued that the Tribunal has wrongly disbelieved the statement of appellant-claimant as well as his witness, namely, Ashwani Kumar as PW2.

It has also been argued that the appellant-claimant has also filed a criminal complaint against Ved Pal-respondent No.1.

A perusal of the file shows that the police carried out the investigation and has also presented the challan against the appellant-claimant and he is facing trial. The other witness, namely, Ashwani Kumar (PW2) put forward by the appellant-claimant was not found present at the spot during the police investigation. He has

stated that he was following the offending vehicle at the time of the accident. However, it is not denying fact that there were three passengers in the Tata Sumo being driven by the appellant-claimant.

When pointedly questioned about the non-examination of the co-passengers of the appellant-claimant, learned counsel for the appellant fairly conceded that co-passengers have filed claim petition against the present appellant. It goes to show that even as per the case of co-passengers, it was the appellant-claimant, who was at fault. It appears that in order to avoid the criminal liability, the appellant-claimant filed a criminal complaint against respondent No.1 and also filed the present case for compensation. This is to put up a false defence in the criminal case, which was rightly disbelieved by the Tribunal.

Therefore, I do not find any ground to interfere in the impugned Award.

Hence, dismissed.

May 05, 2015
sarita

(KULDIP SINGH)
JUDGE