

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No.4742 of 2015 (O&M)
Date of Decision:02.11.2015

Randhir Singh

....Appellant

Versus

Rahul and others

....Respondents

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. Chander Pal Tiwana, Advocate for the appellant.

NAVITA SINGH, J.

1. This appeal is filed against the award dated 3.12.2014 passed by Motor Accidents Claims Tribunal, Kaithal (Tribunal for short), vide which the claim put forth by the appellant was dismissed.

2. Counsel for the appellant argued that the claim petition filed was dismissed erroneously by the Tribunal as evidence was not appreciated though it was proved on record that the appellant was going on the motorcycle No. HR-08M-8615 and was hit by motor-cycle No.HR-32F-4708 which was being driven by Rahul-respondent No.1 in a rash and negligent manner. The accident occurred on 22.6.2013. It was contended that one Sunil was the owner of the offending vehicle, who took the same on superdari showing that the accident was caused by that vehicle. Minor contradictions on the statement were wrongly given heightened importance by the Tribunal. The contention of counsel for the appellant is not acceptable because in para 22 of the award, the Tribunal gave cogent and detailed reasons for disbelieving the evidence of the appellant. Initially in the FIR, the appellant did not give the registration number of the vehicle and he said that Sumit son of Ishwar was driving the offending vehicle. However, while appearing in court he said that he had named Rahul i.e.

respondent No.1 as driver of the offending vehicle and he was confronted with his earlier statement made before the police regarding the same. The Tribunal further observed that there was no explanation as to how the appellant came to know the number of the offending vehicle and that respondent No.1 was the driver thereof. If at the time of FIR, the number and name of driver was not known, the appellant must have learnt it from somewhere but no evidence was led.

3. The Tribunal then held that the appellant said that he had lodged the FIR against Rahul, respondent No.1 whereas the same had actually been registered against Sumit son of Ishwar. How the particulars were changed by the appellant later on also remained without explanation. The Tribunal rightly held that if the appellant was earlier know to respondent No.1, then there could be no mistaken identity. Respondent No.1, on the other hand, completely denied his involvement or that of the offending vehicle in the accident. The statements of other witnesses produced by the appellant were also contradicted from the proceedings taken by the police under FIR.

4. The Tribunal rightly disbelieved the evidence led by the appellant as it was not proved on record that the alleged offending vehicle was involved in the accident in which the appellant was injured, if at all, nor the involvement of respondent No.1 in causing the accident was proved. The appellant set put a cock and bull story with an aim to get compensation.

5. The appeal is dismissed.

**(NAVITA SINGH)
JUDGE**

02.11.2015
Ishwar

Whether to be referred to reporter: No