

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

**FAO No.807 of 1998 (O&M)  
Date of Decision: May 05, 2016**

Nazar Singh

**.....APPELLANT**

**VERSUS**

Jaswinder Singh and another

**.....RESPONDENTS.**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Sagar Aggarwal, Advocate for  
Mr. Ashit Malik, Advocate  
for the appellant.

Ms. Vandana Malhotra, Advocate  
for respondent No.2-Insurance Company.

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**SURINDER GUPTA, J.**

Heard.

This is appeal against the award dated 24<sup>th</sup> November, 1997 passed by Motor Accident Claims Tribunal, Karnal, whereby, the claim petition filed by appellant seeking compensation for the injuries received by him in a motor vehicle accident with car bearing No.DNC-8362 (later referred to as 'offending vehicle'), was dismissed.

In the claim petition, the claimant described the accident in para 10, as follows;

*“The claimant-injured who was injured in the present accident was approaching Bus Stand of village Alawala*

*while driving motor cycle no.HR-40/1264 when the present offending vehicle Van DNC-8362 struck against the said motor cycle. The claimant was seriously injured in the said accident and the said motor cycle which he was driving was badly smashed at the spot. The said van was being driven by respondent No.1 in a rash and negligent manner which was coming from Assandh-Jalmana side and was heading towards Karnal. The injured-claimant is a resident of Dera Alawala from where he has gone to village Alawala and when he was coming back and was approaching towards Dera, the present accident took place. The present accident took place due to out & out negligence and rash driving of the offending vehicle Van No.DNC-8362 by the respondent No.1 at the relevant time.”*

FIR regarding this accident was also got registered on 04.03.1994 at Police Station Assandh, Karnal, on the complaint made by Gujjar Singh, brother of claimant. Describing the manner in which accident took place, it was stated in the FIR that on 03.03.1994 Gujjar Singh along with Pritam Singh, Lamberbar, were present at Bus Stand Alawala, when Nazar Singh (claimant) came on motor cycle and told them that he had some job at Alawala and will return within few minutes and then, they all will go to Dera. After 15 minutes, Nazar Singh returned and when he was crossing the road, his motor cycle was hit by Maruti Van, of which they came to know of registration number as DNC-8362. In the accident, Nazar Singh received injuries and his motor cycle got smashed.

While appearing as PW2-Nazar Singh (claimant) has given altogether a different version regarding the accident and has stated that on

03.03.1994 he was standing and waiting for bus at Bus Stand village Alawala at about 6/6.15 p.m. and was talking to Pritam Singh, Lamberdar, when the offending vehicle (Maruti car) hit him. He became unconscious and was taken to the hospital.

Tribunal discarded the statement of claimant, in the absence of any corroboration, keeping in view the different version of the accident given by him in the claim petition and as find mention in the FIR. The Tribunal also took note of the fact that brother of the claimant Gujjar Singh and Pritam Singh, Lamberdar, who were allegedly present at the spot, were also not examined.

Learned counsel for the appellant has argued that while describing the accident in the claim petition, there was typographical mistake, but the accident had taken place at the Bus Stand. The version as given in the claim petition, FIR and in the statement of claimant is that the accident had taken place at Bus Stand, as such, there was no reason for the Tribunal to discard the testimony of claimant with regard to the accident.

It is settled principle of law that the evidence led by the claimant in case claiming compensation under the provisions of Motor Vehicles Act is not to be scrutinized at par with scrutiny of evidence in a criminal case. But in this case the manner, in which the accident was described in the claim petition and in the statement by the claimant, have rightly led the Tribunal to discard his statement. In his version, as given in the claim petition and also in the FIR, it is specific case of the claimant that the motor cycle of claimant, which he was driving at the time of accident also got smashed, while in his statement, the claimant has stated that he was waiting for bus at Bus Stand

Alawala, when he was hit by the offending vehicle. This shows that he was trying to conceal the manner of accident. As per the version given in the FIR, the accident took place when claimant was crossing the road on his motor cycle. In his statement, the claimant says that he was standing at the Bus Stand, waiting for bus, when the offending vehicle hit him. It makes a lot of difference and calls for explanation about the rashness of the vehicle involved in the accident, if the accident had taken place in the middle of the road or at the Bus Stand, where the claimant allege that he was standing at the time of accident. In the facts and circumstances of the case, withholding of relevant evidence and major contradiction about the manner of accident as given in the claim petition, FIR and in statement of claimant, the Tribunal has rightly declined to believe his version and dismissed the claim petition.

On perusal of the award, I find no legal or factual infirmity therein calling for any interference.

This appeal has no merits.

Dismissed.

**May 05, 2016.**

*deepak/jv*

**( SURINDER GUPTA )  
JUDGE**