

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

FAO-3147-2007 (O&M)

Date of decision: 26.05.2016

Suraj Bhan

...Appellant

Versus

Raj Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arun Yadav, Advocate
for the appellant.

Mr. Rakesh Dhiman, Advocate
for respondent Nos.1, 2 and 4.

Mr. Suvir Dewan, Advocate
for respondent No.3.

JITENDRA CHAUHAN, J.

This appeal has been filed by the claimant-appellant against the impugned award dated 15.05.2007, passed by learned Motor Accidents Claims Tribunal, Rewari, (for short, 'the Tribunal').

It is contended that the learned Tribunal has erroneously decided issue No.1 against the appellant as the owner of the bus, RW2 has himself admitted the factum of the accident and stated that at the time of accident in question his employee, Raj Pal was driving the said

bus. Due to the impact of the accident, the appellant became unconscious, therefore, intimation could be sent to the police about the arrival of the appellant in the hospital.

On the other hand, the learned counsel for the respondents have stated that the learned Tribunal has rightly decided issue No.1 in favour of the respondents.

I have heard the learned counsel for the parties and perused the record.

In the present case, the version of the appellant was that he has sustained injuries while he was boarding the bus in question as its driver started it without the signal/whistle by the conductor. The appellant has not examined the doctor or any other employee of the hospital, who had attended to him first as alleged by him that the hospital did not send any intimation to the police. Further, the stand taken by the appellant with regard to non registration of any complaint to the police, is that the compromise proceedings were going on between him and the owner and regarding the same the police of Police Station Haily Mandi summoned him and asked him to effect a compromise with the owner of the bus. However, the appellant has not taken such plea in the petition. PW-1, Sunder Lal, who was with the appellant at the relevant time stated that the appellant had crippled/dysfunctional hands, much before the accident. In such a state

of health the appellant ought to have not hanged to the door to get into the bus. In these circumstances, this Courts finds no infirmity or perversity in the findings recorded by the learned Tribunal.

Dismissed.

26.05.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**