

FAO No.4736 of 2013(O&M)

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In the High Court of Punjab and Haryana at Chandigarh

FAO No.4736 of 2013(O&M)

Date of Decision:29.8.2016

Manoj Chhabra

---Appellant

vs.

Harbans Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr.Sandeep Jasuja, Advocate
for the appellant**

Rekha Mittal, J.

The present appeal has been directed against the award dated 3.12.2012 passed by the Motor Accident Claims Tribunal, Chandigarh (in short “the Tribunal”) whereby claim petition preferred by Manoj Chhabra (injured) for compensation on account of injuries sustained in a motor vehicular accident dated 11.5.2007 has been dismissed.

Counsel for the appellant has submitted that factum of sustaining of injuries by the claimant finds reference in FIR No. 54 dated 11.5.2007 lodged in Police Station, Mahiwa District Moga. Proceedings before the Tribunal are summary in nature and they do not admit of procedural formalities or strict principles of law of evidence. It is argued with vehemence that the learned Tribunal committed a serious error rather illegality by refusing to place reliance upon documents Ex. P2 to P23 in regard to expenditure incurred on medical treatment of the victim.

I have heard counsel for the appellant, perused the paper book and the records of the Tribunal.

The learned Tribunal in para 24 of the award has held that claimant Manoj Chhabra failed to bring on record any cogent, reliable documentary evidence to prove that he suffered injuries in the accident; that on account of fracture of leg, a rod was inserted through surgical process; no discharge card/treatment record of any hospital has been brought on file; even his medico legal report is not forthcoming. The medical bills Ex. P2 to P23 are photocopies and cannot be relied upon to assess expenditure on his alleged treatment.

Counsel has not disputed the factual findings recorded by the Tribunal that there is no documentary evidence on record with regard to claimant having sustained injuries or treatment of his injuries in any hospital. In absence of any document to support plea of the appellant that he suffered injuries in the accident much less a fracture on leg requiring surgical intervention, no error much less illegality can be found in the conclusion drawn by the Tribunal refusing to rely upon photocopies of documents Ex. P2 to P23. In this view of the matter, I do not find any merit in the appeal and the same is liable to be dismissed and ordered accordingly.

(Rekha Mittal)
Judge

29.8.2016
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No