

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

**FAO-8403-2015 (O&M)
Date of decision: 30.05.2016**

Bahadur Singh

...Appellant

Versus

Leela Ram Yadav and others

...Respondents

CORAM:HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Manoj Yadav, Advocate for
Mr. Jai Singh Yadav, Advocate for the appellant.

JITENDRA CHAUHAN, J.

The instant appeal has been preferred by the appellant-claimant against the impugned Award dated 01.09.2015, passed by learned Motor Accidents Claims Tribunal, Rewari, (for short, 'the Tribunal').

2. The learned counsel for the appellants contends that the learned Tribunal erred in holding that the injuries sustained by the appellant had not been found to have been received/sustained on account of accident caused due to rash and negligent driving of the vehicle in question. In this context, it is submitted that a criminal case was registered against the driver

of the offending vehicle and this fact is sufficient to prove the factum of accident. The factum of accident was mentioned by the attendant in record of the hospital.

3. I have heard the learned counsel for the appellant and perused the record.

4. As per the claim of the appellant, on 03.12.2012, while he along with his brother Baijnath was going to Neemrana (Rajasthan) on his motorcycle, when the offending truck No.RJ-32-GB-3213, being driven by respondent No.1 in a rash manner hit from behind the motorcycle due to which they fell on the road and sustained severe injuries. He alleged that after the accident, he and his brother Baijnath remained unconscious for three months. It has not come on record as to when his brother regained consciousness. The FIR was lodged on 08.04.2013 by the appellant and there is no clarification on record as to why the matter was not reported to the police by his brother, Baijnath. As per the appellant, he and his brother had sustained injuries in the accident, however, the MLR of Baijnath is not on record. Further, in the cross examination the appellant had stated that the registration number of the offending vehicle was told to him by the police and he did not see the registration number. Moreover, except the appellant, there is no other witness to prove the

factum of accident. As per the appellant, Baijnath was accompanying him at the time of accident, however, he has not been examined. Further, there is delay in the lodging the FIR. Thus, in the absence of any cogent, convincing and trustworthy evidence, it is held that there is no irregularity or perversity in the award passed by the learned Tribunal.

Dismissed.

30.05.2016

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**(JITENDRA CHAUHAN)
JUDGE**