

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No. 1720 of 2003 (O&M)
Date of Decision:20.11.2017

Boota Singh

...Appellant

Vs.

Harjit Singh and others

...Respondents

CORAM:-HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.S. Tuli, Advocate and
Mr. S.S. Rangi, Advocate,
for the appellant.

RAJIV NARAIN RAINA, J. (Oral)

1. The only contesting respondent left in the fray in the Tribunal was Lakhbir Singh, respondent No.4, the owner of the Tempo in which the injured was allegedly travelling at the time of accident, since the other respondents were proceeded against *ex parte* on 19th May, 2001. Later on *ex parte* proceedings against respondent No.4 were set aside on 8th November, 2001 giving way to contest.

2. Respondent No.4 denied the accident as alleged in the FIR, registered against the driver. No evidence was brought on record to prove the accident with the truck in question nor was the medical doctor produced to prove the disability certificate, Ex A.1.

3. The Tribunal has held that the exhibition of document does not dispense with its proof. So, no importance can be attached to the disability certificate relied on, which has not been proved in the manner provided by law. Even the Medico Legal Report was not produced to support the injuries suffered in the alleged accident. The insurance policy of the truck was also not produced. Learned Motor Accident Claims Tribunal, Sangrur, in its

award dated 24th October, 2002 held that the alleged offending truck cannot be connected with the accident for want of evidence. The claim has borne no fruit and the claim petition has been dismissed by the Tribunal.

4. I find no sustainable ground in appeal warranting interference in the impugned award of the Tribunal due to absence of direct evidence to support a claim for relief of compensation. Besides, there is no evidence that the injury was permanent in nature.

5. The prayer for remand of the case to the Tribunal as suggested by Mr. Tuli is also rejected as no useful or practical purpose will be served by making such an order which would only prolong the proceedings without a successful end in view. Too much water has flown under the bridge these passing years, the alleged accident having occurred on 4th November, 1998 in which the injuries were claimed to have been sustained.

6. As a result, this appeal fails and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

20.11.2017
MFK

Whether speaking/reasoned

Yes

Whether reportable

No