

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 532 of 2001

Date of Decision: 15.5.2017

Rachan Singh and others

.....Appellants

Versus

Sukhdev Singh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Malkeet Singh, Advocate
for the appellants.

Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate
for the respondents.

ANITA CHAUDHRY, J

This is the claimants' appeal aggrieved by the dismissal of the claim petition.

The record of this file had been burnt in the fire accident which had taken place in the year 2011. Only copy of the award and grounds of appeal are available. Counsel for the appellant stated that the matter can be decided on the basis of the award and other available material.

Maan Singh died in an accident which occurred on 29.1.1988. The accident occurred around 9.00 P.M. He was going on a scooter from Saidpur via Landran to Kharar. A truck came from Kharar side at a high speed and struck against him. The claimants had pleaded that Bachittar Singh was coming on his cycle and was a witness to the occurrence and he saw the driver but as it was dark, the number of the truck could not be noted and the truck driver fled away. In March 1988 Bachittar Singh had gone to

parked at the Truck Union and he asked him about the accident and respondent No. 1 confessed and also realized his mistake and Bachittar Singh asked him to pay the compensation and he stated that he would speak to the owner and told that the truck was insured and the compensation can be taken from the insurance company. Bachittar Singh and Rachan Singh went to the police station on 21.3.1998 but the police did not take any action.

The FIR was registered the next day by Rachan Singh, father of the deceased against the unknown driver and unknown vehicle. The insurance company had pleaded in the written statement that the police had filed an untraced report. No information was given to the police that the claimant or the eye witness had identified the vehicle. The Tribunal disbelieved the statement of the eye witness. It also rejected the statement that the driver had admitted the accident. It was observed that a story had been cooked up to get compensation. Had Bachittar Singh been present on the spot, he would have gone to the police the same night or the next morning and would have given the information to the father who had reached the spot and there was no reason why he left the body and went his way.

The submission on behalf of the appellant is that registration of the FIR was not necessary and these are summary proceedings and the truck driver had got down to see the injured and Bachittar Singh had recognized him. It was urged that the claim petition had been filed after a month of the disclosure of the details and the driver had admitted his involvement, therefore the claim petition should have been allowed.

The submission on the other hand was that the FIR was against

an unknown vehicle and it was a case of hit and run and a story had been concocted and a vehicle had been introduced.

Maan Singh had failed to return home that night. His father went out to look for him and found his body lying near the scooter. The father approached the police and got the FIR registered against an unknown vehicle and unknown person. 2½ months later, Bachittar Singh gave the name of the driver and the vehicle number to the father. He did not approach the police. The police had filed untrace report. The name of the driver and the vehicle number appeared for the first time when the claim petition is filed in April 1998. The Tribunal found the story to be concocted. There is no reason to take a different view. It is clearly a case of collusion. The claimants had been unable to lead evidence to show the involvement of the vehicle. There is no merit in the appeal.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

May 15, 2017

Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes