

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 454 of 2007(O&M)
Date of Decision: 17.08.2017

Jagdish Parshad alias Pappu

...Appellant

Vs.

Jag Ram alias Jagdish and others

...Respondents

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

Present: Mr. J.P. Sharma, Advocate,
for the appellant.

None for respondents No.1 and 2.

Mr. B.S. Mittal, Advocate,
for respondent No.4.

RAJIV NARAIN RAINA, J. (Oral)

1. As per office note, the lower Court record was dispatched to this Court from the District Court, Narnaul on November 07, 2007 and the same is not available in the High Court as it is presumed to have been burnt in the fire incident which occurred in 2011. This is a reconstructed appeal. Accordingly, the matter would have to be heard and disposed of with the material available to this file.

2. Having considered the arguments addressed by the respective counsel and on perusal of the available material, I am of the considered view that there is no merit in this appeal because there was no evidence brought by the claimant to prove that car bearing No. CH-9550 was owned and driven by Hanuman Singh-respondent No.4. No Registered Certificate (RC) was available on record as noticed by the learned Motor Accident Claims Tribunal, Narnaul in his award dated September 01, 2006. Even the car number is not mentioned in the complaint Exhibit PW1/B submitted by the

claimant to the Superintendent of Police, Hanumangarh. It has been only mentioned that the alleged offending car, a white Ambassador came from the side of village Tibi colliding head on with the Tempo vehicle allegedly causing the injuries sustained in the accident.

3. The Motor Vehicles Registration Authority, U.T. Administration, Chandigarh had confirmed that the record of car bearing No. CH-9550 was not traceable in its office due to either shifting of the record or was destroyed in a fire incident. The plea of Hanuman Singh-respondent No.4 before the trial that he does not know driving and vehicle is not owned by him was in support of not being the person involved in the accident. The police have submitted a cancellation report to the Magistrate as untraced and found on evidence that the claimant himself was in an inebriated condition at the time of the alleged accident. Obviously, the accident was a frame-up to secure unjust compensation from the insurance company.

4. In view of the above, this appeal has no life in it.

5. It is accordingly dismissed.

(RAJIV NARAIN RAINA)
JUDGE

17.08.2017
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Whether speaking/reasoned *Yes*

Whether reportable *No*