

In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 3561 of 2008 (O&M)

Date of Decision: 11.7.2017

Mehar Chand

.....Appellant

Versus

Harpreet Singh alias Pinda alias Sonu and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Meenakshi Poswal, Advocate
for the appellant.

Mr. Gaurav Sharma, Advocate
for respondent No. 1.

Mr. J.S.Mehndiratta, Advocate
for respondent No. 2.

ANITA CHAUDHRY, J

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

Some facts would be necessary. An accident took place on 23.4.2006 in which the claimant suffered injuries. The FIR was lodged the same day and the allegations were that a three wheeler came from the opposite direction and struck against the claimant who was on his motor cycle. Respondent No. 1 failed to appear and was proceeded *ex parte*.

The claim was resisted by respondent No. 2 owner of the three wheeler. The vehicle was not insured. At the trial when the claimant was confronted with the details, he had explained that he did not note the number of the offending vehicle and it was his father who came to know about it and informed him. That story was rejected by the Tribunal, the

father was not examined. The Tribunal held that the claimant had been

unable to prove the involvement of the driver or the vehicle.

I have heard both the sides and I find no merit in the appeal.

Mehar Chand was admitted in the hospital on 23.4.2006 around 11.00 A.M. He had put his signatures on the MLR which is Ex. P1 available at page 27 of the lower Court record. He did not inform the doctor nor any ruqa was sent from the hospital. According to him it was Suresh who took him to the hospital. Suresh was not examined. The claimant had stated that his father came to know of the details of the vehicle which hit him. The claimant had failed to examine his father. According to Dr. Amit Goel PW-1, Om Parkash had brought the injured to the hospital. The claimant failed to examine Om Parkash. The mere fact that the driver was challaned is not enough. The owner had approached the police regarding their false implication. It is a case of hit and run. The claimants had failed to prove the involvement of the driver. The Tribunal had given its reasons for rejecting the claim and there is no reason to differ. I find no illegality in the judgment passed by the Court below.

The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

July 11, 2017
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes