

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

FAO No. 5114 of 2012 (O&M)
Date of Decision: December 07, 2017

Vinod Kumar Jain

..Appellant(s)

Versus

Chandu Lal and others

..Respondent(s)

with

FAO No. 5115 of 2012 (O&M)

Billu @ Bijender

..Appellant(s)

Versus

Chandu Lal and others

..Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jitender K. Sehrawat, Advocate
for the appellants.

Ms. Neha Awasthi, Advocate for
Mr. Hemant Bassi, Advocate
for respondent no.2.

Mr. Subhash Goyal, Advocate
for respondent no.3.

ANITA CHAUDHRY, J.

These are two appeals filed by the claimants aggrieved by the dismissal of their claim petitions. I propose to deal with both the cases together as they arise out of the common accident.

Few facts need to be detailed first. Vinod Kumar Jain and Billu @ Bijender were going on a motorcycle on 18.05.2008 from Narnaul to Singhana. They met with an accident at about 4/4:30 PM

near Mohanpur turn. The allegations were that a Tata Pickup driven by Chandu Lal respondent no.1 came at a high speed and hit them from behind. Both the riders sustained injuries. The FIR was registered after two days on 20.05.2008.

Both the injured filed claim petitions seeking compensation. All the respondents denied the involvement of the vehicle.

Both the claim petitions were dismissed as the Tribunal noted that the FIR was against a unknown vehicle and unknown driver. It also noted that the injured could not even give the make or the colour of the vehicle and elaborately dealt with the argument led by their counsel in para 20.

I have heard the submissions made on behalf of the appellants and I am unable to concur with this view. The FIR was against a unknown vehicle and unknown driver. The FIR was lodged with a delay. Both the injured had made a statement in the cross-examination that they could not note the details of the vehicle as the driver had fled away. The police had filed a un-traced report. The involvement of the vehicle had not been proved, therefore, the petitions were rightly dismissed. There is no reason to take a different view.

Both the appeals are dismissed.

(ANITA CHAUDHRY)
JUDGE

December 07, 2017
sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No