

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

FAO No.864 of 2014 (O&M)

Date of decision: January 11, 2016

Surjeet Singh

... Appellant

Versus

Baghel Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. A.K. Kanwar, Advocate for the appellant.

Rajan Gupta, J.

CM-2705-CII-2014:

This is an application for condonation of 114 days delay in filing the appeal. For the reasons mentioned in the application, same is allowed. Delay in filing the appeal is condoned.

FAO-864-2014:

Appellant has impugned the award dated 16.04.2013, passed by Motor Accident Claims Tribunal, Patiala, whereby claim petition filed by the appellant has been dismissed.

Learned counsel for the appellant has argued that tribunal has not granted any compensation to the appellant despite the fact that appellant has proved the estimates Ex.A1 and Ex.A3 and that accident was caused due to rash and negligent driving of respondent No.1 driver of the Tanker. Thus, award passed by the tribunal deserves to be set-aside.

I have heard learned counsel for the appellant and given careful thought to the facts of the case.

Accident occurred on 30.6.2010, wherein 1988 model car alleged to be owned by the appellant was damaged. FIR No.245 dated 30.6.2010 was registered under sections 279/337/427 IPC at Police Station Samana. A claim petition was filed by the appellant seeking damages caused to the car. Same has been dismissed by the tribunal by observing that claimant has failed to prove that he is owner of the said car. He also failed to produce registration certificate of the said car.

There appears to be no apparent error in appraisal of evidence by the tribunal. The appellant could not produce any registration certificate of the car, nor he could examine any other person who may be registered owner of said vehicle. In my considered view, there is no infirmity with the findings arrived at by the Tribunal. The appeal is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

January 11, 2016
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No