

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

FAO No.1715 of 2003

Date of Decision: - 02.02.2018

Prem Singh

.....**Appellant(s)**

Versus

Jetender Kumar

.....**Respondent(s)**

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Ashok Kumar Jindal, Advocate
for the appellant.

Mr. Neeraj Khanna, Advocate
for respondent No.4.

B.S. WALIA, J. (Oral)

1. Prayer is for setting aside award dated 07.01.2003 passed by the learned Motor Accidents Claims Tribunal, Kaithal (hereinafter referred to as the Tribunal) and to grant compensation to the appellant claimant on account of injuries received by him in an accident involving bus bearing registration No. HR-45-0861 on 11.08.2001.

2. Learned counsel for the Insurance Company has raised a preliminary objection in the context of finding recorded in paragraph No.20 of the impugned award dated 07.01.2003 that the alleged offending vehicle was proved vide Ex. R-3 to be in Gohana at 8.15 A.M. on 11.08.2001 and on the basis of the same, contended that the accident in question involving the aforesaid bus having taken place at 8.00 A.M., on the same day at Kaithal, at a distance of 100 K.M. from Gohana was impossible.

3. Learned counsel contends that in the circumstances, it is evident that the vehicle in question was falsely involved in the accident by the claimant-appellant. Relevant extract of the award is re-produced as under: -

“It is the duty of the claimant to prove beyond shadow of doubt that accident in question had taken place due to rash and negligent driving of bus No. HR-45-0861 by respondent No.1 and I am of the view that Ex. R-3 document belies the testimony of P.W.1 which is not even corroborated by the eye-witnesses and the said document confirms that vehicle in question was at Gohana at 8.15 A.M., so the question of accident at 8.00 A.M. on 11.08.2001 at Kaithal is certainly impossible and ruled out. The claimant has failed to prove issue No.1 by leading cogent, relevant and admissible evidence, the fact, that on 11.08.2001 at 8.00A.M. he met with an accident with bus No.HR-45-0861 and I am of the view that mere statement of P.W.1 in this connection is of no value when the documents speak against him and his oral evidence is rebutted by the oral evidence of the respondents.”

4. Learned counsel for the appellant-claimant has been unable to controvert the aforementioned position as stated by learned counsel for the Insurance Company.

5. I have considered the submission of learned counsel and perused the record. In the circumstances as noted above it is impossible to accept accident having been caused by bus No.HR-45-0861 at Kaithal at 8.00 AM in view of it being inconceivable for the offending bus to be in Gohana at 8.15 A.M. on the same day i.e. at a distance of 100 K.M. from Kaithal.

6. In the circumstances, I am of the view that no case whatsoever is made out warranting interference with the well reasoned award passed by

the Tribunal, Kaithal dismissing the claim petition. Accordingly, finding no merit in the appeal, the same is dismissed with no order as to costs.

(B.S. WALIA)
JUDGE

02.02.2018
Sahil soni

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No