

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.686 of 2003
Date of Decision: 01.03.2018

Bhim Singh and othersAppellants

Vs.

Kishori Lal and othersRespondents

FAO No.687 of 2003

Bal Ram SinghAppellant

Vs.

Kishori Lal and othersRespondents

FAO No.688 of 2003

Mahendri DeviAppellants

Vs.

Kishori Lal and othersRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Amrita Nagpal, Advocate, for the appellants.

Mr.Manmohan, Advocate, for respondent/Insurance Company.

Present appeals have been preferred by the claimants-appellants (for short 'the appellants'), against award dated 10.12.2002, passed by the learned Motor Accident Claims Tribunal, Panipat (for short, 'the Tribunal') vide which their claim petitions have been dismissed.

A perusal of the Award shows that accident took place on 17.10.1998 and FIR was registered by one of the appellant Mahendri Devi on 24.11.1998 after a gap of 30 days. After registration of FIR before the learned Tribunal, Mr.Rajbir Singh appeared as RW-1 and deposed that he has brought the summoned filed of the present case and in this case accused

was acquitted in the criminal trial vide judgment of the JMIC, Panipat, dated 06.09.2001. The learned Tribunal has further examined the issue that the information given by the PW1 Mahendri Devi is not reliable because she was an illiterate lady and it was not possible to her to give the number of the offending vehicle. She has given even the alphabets of english i.e. HR-46/1496 whereas registration of offending vehicle was HR-45/1495. Hence, the involvement of the vehicle is become doubtful.

As per claimants, after the accident Mahabir and other injured were got admitted in the CHC Samalkha but a perusal of the DDR which has been placed on the file by the respondents clearly shows that the ruqa was received on 2:00 p.m. and the doctor has also prepared the MLR but despite the best efforts of the surveyor, the same could not be traced out and the complainant also failed to place the same on the file. Moreover, both the vehicle as mentioned in the FIR and in Mark-A owned by the same owner and it came to the notice of the owner and claimant that the vehicle which was given in FIR was away to Jammu. Therefore, the second vehicle was involved in the present case. In this case and in the criminal case, it was stated by PW-1 that after 4/5 days from the date of accident, she regained conscious and despite of it, she got the FIR lodged on 24.11.1998 with the connivance of the owner of the vehicle and police. As such, the learned Tribunal has dismissed the cases of the appellants/claimants.

So in the light of the discussion, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeals also stand dismissed.

(RITU BAHRI)
JUDGE

01.03.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No