

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

FAO No. 445 of 1991

Date of Decision: 15.11.2018

Dharambir Sagar

.....Appellant

Vs.

Ajay Aggarwal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. B.R. Rana, Advocate, for  
Mr. Rajinder Singh Sihota, Advocate,  
for the appellant.

Mr. R.C. Kapoor, Advocate,  
for respondent no. 3.

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**AMOL RATTAN SINGH, J. (ORAL)**

By this appeal, the appellant seeks enhancement of the compensation of Rs. 7,500/- awarded by the learned Motor Accidents Claims Tribunal, Faridabad, vide the impugned Award dated 18.07.1990, on account of injuries suffered by him in a motor vehicle accident that took place on 16.06.1986.

However, Mr. Kapoor, learned counsel for respondent no. 3 (insurance company), points to the statement recorded by the appellant himself before the police, as is reproduced in paragraph 7 of the impugned Award, which reads as follows:-

*“Stated that I (Dharamvir) am a resident of Urban Estate, Gurgaon. I carry on a business of Motor parts at Kashmiri Gate, Delhi. On 16.06.1986 around 12:30 noon, I was proceeding on my work to Palwal. When I reached near village Blahpur, suddenly a cow appeared on the opposite direction. I tried to save the cow. Then suddenly one car appeared from Palwal side (opposite direction). The driver of the opposite car also tried to*

*save the cow. In this process, both the cars collided. I and the driver of the opposite car received injuries. This accident occurred 'Achanak' and 'Itfakia' in an attempt to save the cow and that no one is at fault for this accident. I do not want to lodge the report in the Police Station and no proceedings need to be done by the police. The occurrence had taken place 'Itfakia' and none is responsible for it."*

Thus, the appellant himself, in a signed statement, admitted that there was no fault of respondent no. 1 herein, in causing the accident.

Upon a query having been put to learned counsel for the appellant as to whether any complaint was ever filed by the appellant to the effect that the aforesaid statement was falsely recorded by the police official who had recorded it, he admits that no such complaint was ever produced by way of evidence.

He however submits that the appellant, even in terms of Section 163-A/Section 140 of the Motor Vehicles Act, 1988, would be entitled to higher compensation than Rs. 7,500/- awarded by the Tribunal.

In reply to that, Mr. Kapoor submits that even as per the claim petition itself, the alternate prayer made for by the appellant was that if respondent no. 1 is not found guilty of negligent driving, then under the clause of "no fault liability", a sum of Rs. 7,500/- be awarded to the appellant.

That being so, I see no ground to allow this appeal, which otherwise has remained pending for 27 years now.

Consequently, it is dismissed, but with no order as to costs.

**November 15, 2018**  
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**(AMOL RATTAN SINGH)**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes  
No.