

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 3993 of 2003

Date of Decision: 18.01.2018

Sukhvinder Singh

...Appellant

VERSUS

Ram Lal and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vipul Sharma, Advocate
for the appellant.

Mr. Rohit Goswami, Advocate
for Mr. D.P. Gupta, Advocate
for respondent no. 3.

SURINDER GUPTA, J.(Oral)

This is appeal filed by claimant-Sukhvinder Singh against award dated 30.01.2003 passed by Motor Accident Claims Tribunal, Ambala, whereby his claim petition filed under Section 166 of the Motor Vehicle Act, seeking compensation for injuries suffered by him in the motor accident on 01.12.1999, was dismissed.

As per the case set up by claimant, he was going on scooter with Harbakhs Singh and Jagtar Singh from his village Jandli towards village Malour, when his scooter was hit at about 10.15 p.m. by Tata Sumo bearing registration no. HR-01-D-8977. As a result of accident, he suffered multiple injuries.

Before proceeding further, it will be relevant to note that petition against owner of the Tata Sumo no. HR-01-D-8977 and the insurer of the vehicle i.e. National Insurance Company Ltd. has already been dismissed and the appeal only remains against respondent no. 1, alleged driver of the offending vehicle.

Tribunal while rejecting the plea of claimant that accident was caused by the offending vehicle, has observed that claimant-Sukhvinder Singh, though appeared as PW-4, has not offered himself for cross-examination, as such, his statement could not be taken note of. It also observed that in the FIR, the vehicle which hit scooter of the claimant, was mentioned as unknown Tata Sumo. Even in the statement before criminal Court, where respondent no. 1 faced trial, claimant appeared as PW-1 and has not given the number of offending vehicle and has stated that he did not know the vehicle or driver of the vehicle, who caused the accident. For want of any evidence, it was observed by Tribunal that claimant has failed to prove that the accident was caused by respondent no. 1 due to rash and negligent driving of the offending vehicle. The above finding of Tribunal could not be assailed during course of arguments, as such, this appeal has no merit and the same is dismissed.

January 18, 2018

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No