

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

**FAO No.2675 of 2004 (O&M)
Date of decision: 12.03.2018**

Isham Singh

....Appellant

Versus

Mukesh Kumar and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajit Atri, Advocate,
for the appellant.

None for respondents.

RITU BAHRI J. (Oral)

This appeal has been filed against the Award dated 05.03.2004 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal') dismissing the claim petition filed by the claimant-appellant seeking compensation on account of injuries received by him in a motor vehicular accident which took place on 18.07.2002.

Brief facts of the case are that on 18.07.2002, at about 5.30 P.M., Isham Singh-appellant was going on foot from railway station, Karnal towards the bus stand, Karnal. When he reached near railway road chowk, Karnal, a motorcycle bearing registration No. HR-05-J-8146 being driven by Mukesh Kumar-respondent No.1 in a rash and negligent manner, came and struck against the claimant, as a result of which, he fell down and received serious, grievous and multiple injuries on various parts of the body.

He was taken to Bhatia Nursing home, Karnal. With regard to the accident,

DDR No.11 dated 31.07.2002 was recorded in the concerned police station.

Consequently, claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal has observed that DDR Ex.P2 was registered on 31.07.2002 i.e. after a gap of almost 12 days. Thereafter, no steps were taken by him to pursue the investigation and get the FIR registered. While appearing as PW-1, claimant-appellant deposed that the motorcyclist (respondent No.1) had himself taken him to the hospital and disclosed the number of the motorcycle. He further stated that the motorcyclist was not known to him. The Tribunal further observed that respondent No.1-Mukesh was working as Clerk with Sh. J.B. Sandhu, Advocate, whereas claimant-appellant was working as Clerk with Sh. Ashok Vohra, Advocate for the last 2½ years. Claimant-appellant, during cross-examination, had admitted that seats of Sh. Ashok Vohra, Advocate and Sh. J.B. Sandhu, Advocate are adjoining to each other. From this admission of claimant, it came out that claimant as well as respondent No.1 were known to each other, as they were working as Clerks of the Advocates in the same Court Complex. Accordingly, the Tribunal came to conclusion that claimant was in collusion with respondent No.1. This was the reason, why FIR was not got registered against respondent No.1. With these observations, the claim petition filed by claimant-appellant was dismissed. Hence, this appeal.

After hearing learned counsel for the appellant and going through the impugned award, it is apparent that claimant has failed to lead any substantial evidence to prove his case. There was unexplained delay of about 12 days in registration of the DDR. Even thereafter, the claimant-appellant did not pursue his case to register a criminal case against respondent No.1 (driver of offending vehicle). Since the claimant and

respondent No.1 were known to each other, possibility of collusion between them cannot be ruled out. After going through the impugned Award, this Court is of the view that the Tribunal has rightly dismissed the claim petition after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

12.03.2018
ajp

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