

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4365 of 2002
Date of Decision : 19.01.2018

Beg Ram Saini

....APPELLANTS

VERSUS

Duliya @ Partap Singh & ors.

....RESPONDENTS

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

Present: Mr. Rohan Sharma, Advocate for Mr. Vikram Singh, Advocate
for the appellant.

Mr. Rohit Goswami, Advocate for
Mr. D.P.Gupta, Advocate
for respondent No.3-Insurance Company.

B.S. WALIA, JUDGE (ORAL)

1. Challenge is to award dated 08.04.2002 passed by the learned Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as “the Tribunal”) dismissing the claim of the appellants seeking compensation on account of injuries sustained by the appellant claimant in a motor vehicular accident which took place on 21.02.1997 in which many other persons received injuries /died.
2. Learned counsel contends that after the accident at Panipat, the appellant was shifted to the hospital of Dr. Rakesh Sharma at Kairana where he remained admitted for 20 days besides received treatment under Dr. Shiv Dutt Sharma for 6 months and for another six months under other doctors and spent ₹50,000/- on his

treatment and also engaged one Som Pal s/o Babu Ram as attendant for three months on payment of ₹2,000/- per month. Learned counsel further states that the appellant was also medically examined from Civil Hospital, Panipat. Learned counsel contended that the appellant was working as a printer in the factory of Sharma Printers and on account of the injuries sustained and consequential time spent on obtaining treatment etc., the appellant suffered loss of income of ₹30,000/-. Learned counsel relied upon PW-8 i.e. Statement of Dr. Arun Sehgal who stated that on 17.04.1997 while posted in Civil Hospital, Panipat, he examined the appellant and found one injury on his person as per copy of MLR Ex.P1. However, in cross-examination, Dr. Arun Sehgal stated that the possibility of the injury having been sustained by the appellant after 21.02.1997 (i.e. date of accident) could not be ruled out.

3. Learned counsel for the respondent-Insurance Company has vehemently contended that it was apparent that the claim for compensation as put forth by the appellant was a false claim, for had the appellant actually sustained injuries in the accident on 21.02.1997, he would have got himself medically examined on the same date itself and not waited for two months to get himself medically examined from the Civil Hospital. Besides, despite claiming that more than ₹50,000/- had been spent on medical expenses, not a single bill had been produced in support thereof. On the basis of the same, learned counsel for the Insurance Company contended that the claim was false and concocted.

4. Learned Tribunal by taking into account the fact that although accident had taken place on 21.02.1997 yet the appellant got himself examined from Dr.Arun Sehgal, PW-8 only on 17.04.1997 on which date the MLR Ex.P-1 was prepared, besides, no bill had been brought on record with regard to the appellant incurring

any amount on his treatment, held that the appellant was not entitled to any compensation. Learned counsel for the appellant has not been able to make out any case warranting interference with the findings recorded by the learned Tribunal.

6. Having considered the submissions of learned counsel for the parties, I am of the view that in the given set of circumstances, the appellant has not been able to make out a case warranting interference with the well reasoned findings recorded by the Tribunal. Accordingly, finding no merit in the appeal, the same is dismissed.

(B.S. WALIA)
JUDGE

January 19, 2018

ps

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