

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1583 of 2005
Date of Decision:21.03.2018

Mohan Singh

.....Appellant

Vs.

Sarabjit Singh and others

.....Respondents.

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the appellant.

Mr.Jatinder Singla, Advocate for respondents No. 1 and 2.

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

RITU BAHRI J. (ORAL)

This appeal has been filed by the claimant-appellant against the order dated 12.02.2005 passed by the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as “the Tribunal”), vide which the claim petition of the claimant-appellant was dismissed.

Brief facts of the case are that at about 5-15 p.m., the claimant was going on a motor cycle to his village Kapial, when he reached near village Retgarh, Maruti Car No.PB-12D-1575 driven rashly and negligently by respondent No.1 came from the opposite direction and it dashed against his motor cycle. Claimant suffered multiple grievous and simple injuries. He fell down on the road. Respondent No.1 was known to him who ran away from the spot with the car. Claimant become unconscious and was moved to hospital by his father. He was taken Rajindra Hospital on 01.10.2001 at 10:50 p.m, where he was examined. His condition was serious and his father admitted him in Amar Hospital, Patiala, Income Tax Office Road, Patiala. The doctor of Rajinder Hospital, Patiala sent information to S.H.O Police Station Bhawanigarh.

A perusal of the order of the Tribunal shows that the date of the accident i.e. 01.10.2001 when the injured was taken to the hospital and thereafter a ruqa was sent to S.H.O Police Station Bhawanigarh and the claim petition has been filed on 22.08.2003 after a lapse of 01 year and 10 months and thereafter a complaint was preferred on 02.05.2002 mentioning that the complainant was not in a position to give the complaint. There was no evidence led by examining the doctor that the claimant lost his memory.

In the absence of the medical evidence and there was no evidence that the complainant lost his memory and delay in lodging the complaint and filing of the claim petition remained unexplained.

The Tribunal has further observed that there was some civil litigation pending between the claimant and respondent no.2, which was instituted on 28.09.2001 but ended on 09.05.2003 and during the pendency of this litigation, the complaint was filed against respondent No.1.

Keeping in view of the above, present petition stands dismissed.

(RITU BAHRI)
JUDGE

21.03.2018
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No