

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3253 of 2005
Date of Decision: 27.02.2018

Brajinder Singh

.....Appellant

Vs.

Jai Narain and Others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Arjun Lakhanpal, Advocate, for the appellant.
Mr.Pardeep Goel, Advocate, for respondent No.3.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 10.03.2005, passed by the learned Motor Accident Claims Tribunal, Ambala (for short, 'the Tribunal') vide which claim petition of the claimant was dismissed.

After hearing counsel for the parties, this appeal is deserves to be dismissed. As per claimant, accident took place on 19.02.2002 and FIR has been lodged on 22.03.2002 after a gap of more than one month of the accident. The explanation for this delay has been given by the claimant is that he was unconscious after the accident and unable to give the statement to the police. This fact has been considered by the learned Tribunal in paragraph 23 of the Award that Dr.K.D.Sharma PW-1, did not state that a word that the patient remained unconscious throughout the period he remained hospitalized in his hospital from 19.02.2002 to 21.03.2002. Even the Bed-Head-Ticket Ex.P1 produced by him showed that claimant was not unconscious and he was taking the diet orally. As per statement of Dr.K.D.Sharma PW-1 that appellant was admitted in his hospital on 19.02.2002 having fracture of the shaft left femur with compartment syndrome left leg with Toxaemia. He operated upon the claimant and interlocking nailing on the left femur was done on 20.02.2002 and he could not

tackle the toxemia and referred to the patient to PGI on 21.02.2002. As per statement of the father of the claimant, the claimant had taken the treatment from Civil Hospital, Ambala City but no record of Civil Hospital has been brought on record to note the condition of the claimant at Civil Hospital. The claimant did not disclose the cause of injury to the concern doctor. This fact thus goes to show that the claimant did not know about offending vehicle and that being the reason he did report the matter to the police. The fact that respondents No.1 and 2 despite put up appearance in the Court did not file the written statement to contest the petition rather preferred to default was another strong circumstance that prompts this Court to draw the inference that the claimant was hob-nob with the respondent No.1 and 2 and lodged a false FIR and false claim petition. It must also be borne in mind that the respondents No.1 and 2 are the residents of Distt.Ambala, the district of claimant. In these circumstances, the solitary version of the claimant, which was not aided by the independent witness was not sufficient to rely upon. Thus the claimant failed to established that he met with an accident on account of alleged rash and negligent driving of respondent No.1.

So in the light of the discussion, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

27.02.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No