

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

560

**FAO No.2490 of 2006 (O&M)
Date of Decision : 25.09.2018**

Gurdhian Singh

..... Appellant

Versus

Amrik Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. G.S.Sandhu, Advocate for
for the appellant.

Mr. Ankush Singla, Advocate
for respondents No.1 to 3.

Mr. Ashwani Talwar, Advocate for
respondent No.4-Insurance Co.,

Mr. Paul S.Saini, Advocate for
respondent No.6-Insurance Co.,

AJAY TEWARI, J. (Oral)

This appeal has been filed against the dismissal of the claim petition. Since a very limited point has been raised further detailed reference to the facts is not necessary.

The facts of the case are that the appellant-claimant was riding pillion on a motorcycle being driven by his brother when an accident occurred with Mini Bus bearing registration No.PB-23-A/2860. Claim petition was filed seeking damages on the ground that the bus was being driven rashly and negligently. The tribunal however noticed that the first contemporaneous event was the lodging of DDR by the brother of the

claimant. In that he had categorically mentioned that actually his motorcycle had slipped due to the wet condition and that had caused the accident and specifically exculpated the bus driver from any fault in that DDR. The tribunal noticed that though in his testimony he tried to distant himself from the DDR yet he had to admit that he had lodged the DDR and he had never made any complaint to any superior officer that a wrong DDR was recorded.

Counsel for the appellant has argued that the DDR is not a substantive piece of evidence. No doubt it is correct that it is not a substantive piece of evidence for finding a person guilty. However, it does show the conduct. It is not a case where the DDR was lodged by a third person but here it was lodged by the driver of the motorcycle on which the appellant-claimant was traveling and by none other than his real brother.

In the circumstances, I am not persuaded to hold that the rash and negligent driving of the driver of the Mini Bus bearing registration No.PB-23-A/2860 was established.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

25.09.2018
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No