

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.4115 of 2006
Date of Decision: 16.04.2018

Bodh Raj

.....Appellant

Vs.

National Insurance Company Limited and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.L.S.Mann, Advocate, for
Mr.J.S.Verka, Advocate, for the appellant.

Mr.Subham Jain, Advocate, for
Mr.Suman Jain, Advocate, for the respondent/Insurance Co.

RITU BAHRI, J. (ORAL)

The appellant/claimant has come up in appeal against the Award of the learned Tribunal dated 08.05.2006 whereby, his claimant has been dismissed.

The brief facts of the case are that on 01.12.2001 at about 12:10 p.m. Joginder Singh was driving Mini Bus No.PAB 235 (hereinafter to be called as offending bus) rashly and negligently and when the Bus reached near Baba Peer Mulla, in the area of village Allowal situated on Dina Nagar Behrampur Road, the offending Bus went out of control of Joginder Singh respondent and dashed against a Jamun tree in heavy force due to which reason, many passengers sustained multiple injuries on his face. The claimant/appellant was admitted in various hospitals at Dina nagar and Gurdaspur. An FIR No.115 dated 01.12.2001 was also registered regarding the accident at the instance of Makhan Lal son of Tarsem Lal resident of village Machle against the driver-Joginder Singh.

In order to prove his claim, he examined himself as AW-1 and proved his affidavit in his examination-in-chief in which he stated that on 01.12.2001, he was on duty as Conductor of the offending bus and at about 12:10 p.m., the accident took place on account of rash and negligent driving

of driver-Joginder Singh. He was admitted to Civil Hospital Gurdaspur immediately after the accident and was referred to Guru Nanak Dev Hospital, Amritsar where he remained admitted from 01.12.2001 to 10.12.2001 in surgical ward. He claimed compensation of Rs.7,00,000/- for his treatment on different heads.

The learned Tribunal dismissed the case of the appellant/claimant as he failed to prove the injuries received in the alleged accident and he also failed to prove that he was present in the offending bus as its conductor. The medical bills produced by him do not appear to be genuine because many medicines were mentioned therein which could not be prescribed for the injuries allegedly received by the appellant/claimant. Moreover, five bills relating to date 13.01.2001 do not appear to be genuine. No cogent evidence entitling him to claim compensation on account of alleged injuries, has been led by the claimant/appellant.

In view of the above, this Court is of the opinion that the claim petition has rightly been dismissed by the learned Tribunal and no ground is made out to interfere therein.

No merits. Dismissed.

16.04.2018
anil

(RITU BAHRI)
JUDGE