

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.808 of 2006
Date of Decision:03.04.2018

Rishi Kumar alias Sonu

.....Appellant

Vs.

Balkar Singh

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Parminder Singh, Advocate, for the appellant.

Mr.Naveen Mandhan, Advocate, for
Mr.Pankaj Bali, Advocate, for respondent No.1.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the claimant-appellant (for short 'the appellant'), against award dated 29.11.2005, passed by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal') vide which claim petition of the appellant/claimant was dismissed.

On 02.02.2000 the appellant -Rishi Kumar was coming from Jundla to his house. At about 9:00 p.m. when he was standing at Bus-Stand Jundla and was waiting from a bus to go to his house, a tractor trolley bearing registration No.HNQ-9260 came from Assandh side, which was being driven by its driver in a rash and negligent manner and by coming on the wrong side of the road, struck against the petitioner. Due to this impact the appellant received multiple and grievous injuries on his person especially crush injuries on his left leg and right hand. The appellant was shifted to Civil Hospital, Karnal, from where he was referred to PGI, Rohtak. It was further pleaded that due to the accident the appellant/claimant had suffered 75% disability.

Learned Tribunal had dismissed the claim of the claimant/appellant on the ground that appellant/claimant has failed to produce any eye witness or documentary proof with regard to the fact that the

accident had taken place at Bus-stand, Jundla. Whereas the respondent has appeared in the witness box as RW1 and deposed that Rishi Kumar had sustained minor injuries due to fall from the tractor near Chirav Mod and had also produced RW3 HC Ram Chander, who had proved the statement of Rishi Kumar as Ex.RW3/A, in which it had been mentioned that appellant/Rishi Kumar sustained minor injuries due to fall from the tractor because of the pits in the road new Chirav Mod. Thus the appellant had not come to the Court with clean hands and concealed the true facts. Even otherwise, the alleged accident had taken place on 02.02.2000, but the present claim petition had been filed on 14.08.2003. The appellant had also failed to produce any explanation regarding the delay cause in filing of the petition. Thus, from the overwhelming evidence available on record, the appellant has failed to prove that the accident in question took place due to rash and negligent driving of tractor-trolley bearing registration No.HNQ-9260 by Balkar Singh-respondent and the appellant received injuries in the said accident.

In view of the above, 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

03.04.2018
anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No