

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6308-2010

Date of decision: 11.05.2018

Abhishek

...Appellant

V/s.

Sunder Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Amit Singla, Advocate for the appellant.

Mr. R.C. Gupta, Advocate for
respondent No. 3-insurance co.

RITU BAHRI, J. (Oral).

The appellant is in appeal against the award dated 04.05.2009 passed by Motor Accidents Claims Tribunal (for short 'the Tribunal') whereby claim petition under Section 166 of the Motor Vehicles Act (for short 'the Act') has been dismissed.

A perusal of the record shows that on 29.10.2006, Abhishek-appellant was going as pillion rider on a motor-cycle bearing No. HR-20H-9091 which was being driven by respondent No. 1 Sunder Singh in a rash and negligent manner and when they reached near Patiti Pathshala, in between Hanuman Gate and Dadri Gatte Bhiwani, struck the motor-cycle against cows. He fell down and received injuries and thereafter DDR (Ex.P36) was made to the police and in this DDR, it was stated that nobody was at fault in this accident. He also admitted that he was not wearing Helmet though respondent No. 1 was wearing the same.

The Tribunal has observed that as per the discharge summary (Ex.P21), it was stated that the claimant-Abhishek was going from his house

to Dadri when he was hit by three wheeler at about 6.30 p.m. on 28.10.2006 and the version given in the DDR was that the motor-cycle had hit against cows. Meaning thereby, the version given in the DDR is totally contradicted with the discharge summary. Moreover, there was no evidence that Sunder Singh had also received injuries and he did not appear before the Tribunal. Hence, claim petition under Section 166 of the Act has been rightly dismissed.

I do not find any ground to interfere in the award and the appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

May 11, 2018
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No