

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

1. FAO No.2011 of 2012

Reliance General Insurance Co. Ltd

....Appellant

Versus

Vikramjeet Singh and Anr.

.....Respondents

And

2. FAO No.2012 of 2012

Reliance General Insurance Co. Ltd

....Appellant

Versus

Shunty and Ors

.....Respondents

Date of Order: 24.09.2018

CORAM: HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. T.K Joshi, Advocate for the appellants.

None for respondent No.1.

None for respondent No.2.

B.S.WALIA, J (ORAL)

[1] This order shall dispose of aforesaid two appeals as common questions of facts and law are involved in the same.

[2] Sole argument of learned counsel for the appellant is that there was delay of 4 days in registration of FIR and the same goes to show that the offending vehicle i.e Auto rickshaw as well as its driver had been planted solely so as to obtain compensation.

[3] Brief facts of the case leading to the instant appeal are that claimants Vikramjit and Shunty were riding a motorcycle. When they reached near Rattan Dera all of a sudden offending three-wheeler bearing Chasis No.ABHLA-10EJ-99507915, Engine No.HA103EA99J16350 being

driven by respondent No.1 came from Kurukshetra side in a rash and negligent manner without observing traffic rules by coming on the wrong side of the road and hit the motorcycle being driven by the claimants as a result of which the claimants sustained injuries. It is submitted that the accident took place on 30.1.2010 while the FIR was registered on 03.2.2010 i.e after delay of four days and no explanation was tendered in this respect, which showed that three-wheeler and its driver had been planted.

[4] Learned Motor Accidents Claims Tribunal, Kurukshetra (hereinafter to be referred as “the Tribunal”) after considering the statements of PW4-Vikranjit Singh and PW5-Shunty allowed the claim petition on the ground that the evidence of PW4 and PW5 could not be disbelieved since their testimonies were corroborated from the site plan (Ex.P66) as well as report of mechanic (Ex.P.67) which revealed that the three-wheeler in question had met with an accident. The Tribunal further observed that both PW4 and PW5 in their statements had stated that the offending three-wheeler had come on the wrong side and hit the motorcycle of the claimants which was being driven by PW4-Vikramjeet Singh and that delay of four days in registration of FIR was not fatal to the case of the claimants as the same had been duly explained by Dr. Himanshu Anand, who had appeared as PW2. The learned Tribunal recorded that as per PW4, after the accident, they were taken to Anand Orthopaedic Centre where Dr. Himanshu Anand-PW2 attended upon them and categorically stated that ruqa was sent to the police on the same day whereupon the police came to the hospital on the same day but both the patients were not fit to make statement though they were conscious. Thereafter the police again came to the hospital on 31.01.2010 and 01.02.2010 but again the patients were unfit

to make statement. The police thereafter came on 03.2.2010 whereupon both of them i.e PW4 and PW5 were found fit to make statement and in the aforesaid background, the Tribunal held that when the patients were not fit to make statements, it could not be said that there was delay in registration of FIR.

[5] I have considered the submissions made by learned counsel for the appellant and gone through the paper book with his able assistance and am of the view that in the light of the position as noted above, no case whatsoever is made out warranting interference with the well reasoned findings recorded by the learned Tribunal. The sole plea is with regard to the delay and registration of FIR. However, the same has been explained by the evidence of PW4 as well as PW2-Dr. Himanshu Anand, who categorically stated that although the patients i.e PW4 and PW5 were admitted to the hospital on 30.1.2010 yet they were unfit to make statements, ruqa had been sent to the police on the same day but their statements could not be recorded firstly on 31.1.2010 and secondly on 01.02.2010 and the statements could only be recorded on 03.2.2010 when the patients were declared fit to do so.

[6] In the light of position as noted above, the award passed by the Tribunal is duly supported by evidence and does not warrant interference.

[7] No other point has been raised by the learned counsel in support of his case.

[8] Accordingly, finding no merit in the appeal, the same is dismissed.

September 24, 2018
manoj

(B.S.WALIA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No

