

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

F.A.O No.1505 of 2007 (O&M)

Date of decision:-September 17, 2019

Basau Ram

... Appellant

Versus

Joginder Singh and another

... Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Tapish Gupta, Advocate for
Mr. Rakesh Nagpal, Advocate for the appellant.

Mr. Abhishek Goyal, Advocate for respondent No.2.

RITU BAHRI J. (Oral)

1. The present appeal has been preferred by the claimant-appellant against the judgment dated 13.01.2007 passed by the learned Motor Accident Claims Tribunal, Kaithal (for short, 'the Tribunal'), whereby the claim petition of the appellant was dismissed.

2. I have heard learned counsel for the parties and have also carefully gone through the record.

3. The FIR was registered on 23.06.2004 after a delay of two days. Untrace report was given because the offending vehicle could not be traced even after three months i.e. 01.10.2004. The Tribunal has further observed that the identity of the vehicle was given by one Jai Narain after 4-5 months of the accident and even the version of this witness was unnatural and unreliable. He claimed to be present at the time of the accident and submitted that the injured was removed to the hospital by some police officials and the father of the injured in his presence but he could not

disclose the identity of the offending vehicle. His explanation that he had gone away to Ambala for 4-5 months has rightly been disbelieved by the Tribunal.

September 17, 2019

sarita

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(RITU BAHRI)
JUDGE