

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

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**FAO No. 5539 of 2005
Date of Decision : 4.4.2019**

Sandeep

.....Appellant

v.

Dev Dutt and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. J.P. Sharma, Advocate, for the appellant

Mr. Rohit Goswami, Advocate, for
Mr. D.P. Gupta, Advocate, for respondent No. 2

KULDIP SINGH, J. (Oral)

This appeal is directed against the award dated 21.9.2005, passed by the Motor Accidents Claims Tribunal (in short 'the Tribunal'), Narnaul, vide which the claim petition filed by the appellant was dismissed.

The case of the appellant-Sandeep (minor) is that on 7.11.2002, he alongwith complainant Surender was coming on a cycle from village Salimpur to their village Fatehpur via Kanina-Ateli road. At about 6:00-6:30 p.m., when they reached Shakti Nagar Primary School, a Tata-407 bearing registration No. HR-47-0636, being driven by respondent No.1 in rash and negligent manner, hit their cycle. As a result of which, claimant fell from the cycle and received the injuries.

The respondent in the reply had denied the case of the appellant.

I have heard learned counsel for the parties and gone through the case file.

The Tribunal has dismissed the complaint on the ground that in the FIR, the number of the Tata-407 was given as RJ-18-G-1363. However, in the claim petition, the number has been changed to HR-47-0636. The claimant himself did not appear in the witness box, whereas Complainant Surender, who lodged the FIR, appeared in the witness box. He admitted that he had mentioned the number of the vehicle as RJ-18-G-1363. However, he stated that he has become perplexed on account of condition of Sandeep.

In view of the above, I am of the view that there was no reason for the police to record a wrong number of Tata-407. It was complainant Surender, who was present at the time of occurrence and gave the number of Tata-407 to the police. The vehicle belonged to Rajasthan and now Haryana vehicle has been mentioned in the claim petition.

There is no illegality in the impugned award.

Dismissed.

(KULDIP SINGH)
JUDGE

4.4.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No