

FAO No.6043 of 2014

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

FAO No.6043 of 2014
Date of decision: 18.11.2019

Iqbal Singh

.....Appellant

versus

Hansa Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. J.S. Khiva, Advocate, for the appellant.

RAMENDRA JAIN, J. (ORAL)

Through this appeal, claimant has sought enhancement of compensation, modifying impugned award dated 09.09.2013 of the Motor Accident Claims Tribunal, Mansa (in short 'the Tribunal').

Learned counsel for the appellant *inter alia* contends that the Tribunal has not compensated the appellant-claimant adequately, despite evidence on record that he had paid ₹70,500/- to PW1 Dr. Gurdev Singh towards his medical treatment. The Tribunal awarded only ₹25,000/- as compensation under the head “No Fault Liability”, ignoring the above medical expenditure of the claimant.

Having given thoughtful consideration to the above submissions, this Court finds that the instant appeal has to be rejected outrightly for the reasons to follow.

According to the appellant-claimant, on the date of accident, he was travelling as a pillion rider on motorcycle bearing registration No.PB-31F-8476, driven by Gurdeep Singh. However, said Gurdeep Singh as

FAO No.6043 of 2014

RW4 completely falsified the statement of appellant-claimant stating that he even does not know how to drive a motorcycle. That apart, according to appellant-claimant, offending tractor driver was cut-hair person, whereas respondent No.1, alleged offending driver of the tractor as RW3, testified that he always wears turban. He took 'Amrit' in the year 2005 and never cut his beard or hair. Therefore, from any angle, appellant-claimant could not prove identity of respondent No.1 for causing the accident and that accident in question was caused by offending tractor.

In view of above factual position, this Court is of the considered view that the Tribunal has illegally awarded ₹25,000/- to the appellant-claimant under “No Fault Liability” for no reasons. However, no appeal has been filed by respondent No.1 against the impugned award.

Dismissed.

(Ramendra Jain)
Judge

November 18, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No