

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

**FAO No.9181 of 2014 (O&M)
Date of decision: 03.07.2019**

Usha Devi

....Appellant

Versus

Gurmukh Singh and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Arya, Advocate,
for the appellant.

Mr. Chanakya Batta, Advocate,
for Mr. Navin Kapur, Advocate,
for respondent No.3-Insurance Company.

RITU BAHRI J. (Oral)

CM No.25451-25452-CII of 2014

In view of the averments mentioned in the applications, same are allowed and delay in filing & re-filing of the appeal is condoned.

FAO No.9181 of 2014

This appeal has been filed against the Award dated 01.10.2013 passed by the Motor Accident Claims Tribunal, Pathankot (hereinafter referred to as 'the Tribunal') dismissing the claim petition filed by the claimant-appellant seeking compensation on account of injuries received by her in a motor vehicular accident which took place on 22.07.2007.

Brief facts of the case are that on 22.07.2007, Usha Devi-appellant boarded a bus bearing registration No. PB-11-BD-3655 from Mukerian. The said bus was being driven by Gurmukh Singh-driver

(respondent No.1) in a rash and negligent manner. At about 4.30 P.M., the

bus reached at the bus-stop, Talwara Jattan. When claimant-appellant tried to alight the bus, suddenly the driver started the bus in a negligent manner, as a result of which, claimant fell down and her left leg was crushed under rear tyre of the bus. She received multiple grievous injuries and was shifted to Civil Hospital, Pathankot. The matter was reported to the police, but no FIR was registered against the driver of the bus. Consequently, claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal has returned finding that the claimant had examined Tarsem Lal (CW-3), but during his cross-examination, the said witness deposed that he was not the witness of the occurrence. Further, the claimant did not place on record copy of any FIR regarding the alleged accident. Hence, the occurrence in itself became doubtful. The Tribunal has further observed that agreement between the complainant and owner of the bus was placed on record by the claimant, but that agreement did not bear the signature of claimant herself. Medical bills produced by the claimant were relating to some private hospital. Those bills were not proved by examining any authorized person. Further, the disability certificate produced by the claimant was not proved by examining any member of the Board of Doctor, who had issued the same. With these observations, the claim petition filed by claimant-appellant was dismissed. Hence, this appeal.

After hearing learned counsel for the appellant and going through the impugned award, it is apparent that claimant has failed to lead any substantial evidence to prove her case. No eye witness has been examined by claimant-appellant to prove that she has received injuries in the accident, which allegedly took place due to rash and negligent driving of

the offending bus by its driver-respondent No.1. After going through the impugned Award, this Court is of the view that in the absence of any cogent and convincing evidence, the Tribunal has rightly dismissed the claim petition. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

03.07.2019
ajp

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