

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

**FAO No.2453 of 2017
Date of decision: 16.12.2019**

Vishal

....Appellant

Versus

Paramjit Kumar and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jyoti Parshad Sharma, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

This appeal has been filed against the Award dated 12.11.2016 passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'the Tribunal') dismissing the claim petition filed by the claimant-appellant seeking compensation on account of the injuries received by him in a motor vehicular accident which took place on 22.06.2014.

Brief facts of the case are that on 22.06.2014, claimant-Vishal along with his brother Rajesh @ Amarjit (since deceased) was going from village Sirasala towards Pipli on a motorcycle bearing registration No. HR-07-M-5532, which was owned by their maternal uncle. Rajesh was driving the said motorcycle. When they reached at Sirsala-Pipli road near Sirsala turn on the G.T.Road, some unknown canter came from the opposite side, which was being driven by its driver on the wrong side. Finding the said canter coming on the wrong side, Rajesh alias Amarjit, at once, took his motorcycle on the *katcha* portion of the road and in that process, it struck against the harrow of a tractor bearing registration No. HR-07-M-7980, with

Kumar @ Amarjit came under the harrow of the tractor and they both received multiple and grievous injuries. They were taken to Apna Hospital, Kurukshetra, from where Rajesh alias Amarjit was referred to PGI, Chandigarh, whereas Vishal was taken to Siri Hari Hospital, Karnal. With regard to the accident, FIR No.258 dated 06.07.2014, under Sections 279/337/338/304-A IPC was registered at Police Station, Sadar, Thanesar. Consequently, claimant-appellant filed a claim petition under Section 163-A of the Motor Vehicle Act before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that there was nothing on record to prove that claimant-appellant has suffered permanent disablement due to the accidental injuries. Hence, petition filed by him under Section 163-A of the Act is not maintainable. With this observation, the claim petition has been dismissed.

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 that he has suffered any disablement due to the accidental injuries. Witnesses examined by the claimant could not prove the said fact. In these circumstances, 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

16.12.2019
ajp

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