

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

**FAO-3287-2018 (O&M)
Date of Decision : 27.11.2019**

Harshit

..... Appellant

Versus

Iqbal Singh and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Shakti Mehta, Advocate
for Mr. Vikram Bali, Advocate
for the appellant.

Service of respondent Nos.1 and 2 already dispensed with vide order dated 31.07.2019.

Mr. P.H.S.Pannu, Advocate
for Mr. Sachin Ohri, Advocate
for respondent No.3.

RAMENDRA JAIN, J. (Oral)

Through this appeal, the claimant has sought enhancement of compensation, modifying the impugned award dated 14.12.2017 of the Motor Accident Claims Tribunal, Panchkula (in short 'the Tribunal') whereby, rejecting his plea of receiving injuries in a motor vehicular accident, on account of rash and negligent driving of respondent No.1, driving his car bearing registration No.CH-01-AN-0287, he was awarded compensation of Rs.25,000/- under no fault liability.

Briefly, according to appellant, on 11.12.2015, he, driving his motorcycle, was going to home. When he reached near the light point in front of Tau Devi Lal Stadium, Sector 21, Panchkula, offending car, driven by respondent No.1 rashly and negligently, came from behind and in the

process of crossing the red lights to go to said sector, struck against his motorcycle. As a result thereof, appellant received multiple injuries. FIR No.59 dated 09.02.2016 was registered against respondent No.1 under Sections 279, 337 and 338 IPC at Police Station Sector 5 Panchkula qua the accident in question.

With above broad submissions, appellant-claimant filed a claim petition under Section 166 of the Motor Vehicles Act (in short 'the Act'), wherein disbelieving the story, put forth by the appellant, he was awarded Rs.25,000/- as compensation only under "no fault liability".

Learned counsel for appellant contends that learned Tribunal has given much weight to DDR No.19 dated 11.12.2015 (Ex.R1), ignoring the fact that true version of appellant on account of his compromise with respondent No.1 after the accident, was not recorded. Learned Tribunal failed to appreciate that more than Rs.6,00,000/- was incurred by the appellant on his medical treatment. Thus, he was to be awarded entire expenses incurred by him towards his medical treatment, besides for 30% disability suffered by him.

On the other hand, learned counsel for respondent-Insurance Company submits that FIR (Ex.PW1/A) qua the alleged accident was registered after two months. DDR (Ex.R1) was voluntarily got recorded by appellant and thus, has rightly and legally been appreciated and taken into consideration by the Tribunal. Even otherwise, in criminal case, registered vide aforesaid FIR Ex.PW1/A, respondent No.1 has been acquitted by the court. Thus, this appeal is liable to be dismissed.

Having given thoughtful consideration to the rival submissions, this court finds the present appeal merits dismissal for the reasons to follow.

Perusal of file shows that DDR (Ex.R1) was promptly got registered by appellant himself with the police without any delay, narrating true version of accident that while saving a stray cow, who had come in front of his motorcycle, the accident took place. However, in the FIR, got registered by appellant after two months, he, controverting his earlier version of DDR, showed rash and negligent driving of respondent No.1, who was finally acquitted of charges. Thus, the learned Tribunal has rightly disbelieved the version recorded by appellant in FIR, placing reliance upon DDR (Ex.R1).

It is settled proposition of law that statement of a witness has to be read as a whole and not in isolation. Respondent No.1-driver, as RW1, categorically testified that he did not cause any accident. False FIR was registered against him in which he was acquitted vide judgment dated 7.9.2017 (Ex.RW1/1). Therefore, admission in cross examination by respondent No.1 that he was under the impression that he had to pay expenses of Rs.10/15,000, has no material bearing particularly when he specifically denied causing of any accident.

No other point has been raised or arises.

In view of above factual and legal aspect, this court does not find any irregularity or illegality in the impugned award.

Dismissed.

(RAMENDRA JAIN)
JUDGE

27.11.2019
mamta

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No