

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

**FAO No.4166 of 2018
Date of Decision: 06.03.2019.**

Resham Singh

Appellant

Versus

Gurinderpal Singh and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Manju Goyal, Advocate
for the appellant.

AVNEESH JHINGAN, J (Oral):

The present appeal has been filed by the claimant against award dated 15.02.2018 passed by the Motor Accident Claims Tribunal, Bathinda [for brevity 'the Tribunal'] dismissing the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The facts in brief are that a motor vehicular accident took place on 05.04.2017, in which the appellant sustained injuries. He was returning back to his village on a motorcycle bearing registration No. PB-10DN-2457. When he reached near Street No.17, Main Multania Road, Bathinda, a car bearing registration No. PB-03AF-0809 struck against his motorcycle. The appellant

was got admitted in COSMO Superspeciality Hospital, Bathinda, where he remained admitted for one week. DDR No.31, dated 08.04.2017 was got recorded on the basis of statement of the appellant. In the DDR, it was mentioned that a stray animal came in front of the Car, as a result thereof, the accident took place and there is no fault of anybody. After almost 1½ months, the claimant changed the story and pleaded in the claim petition that the accident was caused due to the rash and negligent driving of the Car. The Tribunal, taking into consideration the fact that DDR was reported on the basis of statement of the appellant and he had not raised any grievance, in any Forum, with regard to the fact that his statement was wrongly recorded by the Police officials, dismissed the claim petition. Hence, the present appeal.

Learned counsel for the appellant contends that the Police personnel had taken his signatures on blank papers and same were used to record the statement.

The contention raised by learned counsel for the appellant lacks merit. The Tribunal has recorded a categorical finding that in cross-examination, the appellant had admitted that he had not made any complaint to the effect that the contents of the DDR were wrongly recorded by the Police. No effort was made to get the FIR registered. Merely to cover up, he stated that he went to Police Station but he was not able to give date, month and time, even he failed to state the name of the Police official to whom he met. In such circumstances, the Tribunal came to the conclusion

that it was only to get compensation, the appellant put forth the story in the claim petition. There was no occasion to doubt the contents of the DDR.

No shadow can be cast upon the findings recorded by the Tribunal.

The appeal is dismissed.

[AVNEESH JHINGAN]
JUDGE

March 06, 2019
pankaj baweja

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

:

Yes