

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

FAO No.6619 of 2017 (O&M)
Date of decision: 25th February, 2020

Yogesh

... Appellant

Versus

Ganga Bishan & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajesh Bansal, Advocate for the appellant.
Mr. M.K. Dogra, Advocate for respondents No.1 and 2.
None for respondent No.3.

FATEH DEEP SINGH, J.

Appellant Yogesh has preferred this appeal against an award dated 19.05.2015 passed in MACT case No.1627 of 2014 titled 'Yogesh vs. Ganga Bishan and others' instituted on 28.07.2014 whereby the learned Motor Accident Claims Tribunal, Sonipat vide impugned award has awarded compensation to the tune of ₹ 5,43,200/- on account of the injuries sustained by the claimant Yogesh along with interest @ 7.5% per annum from the date of filing the petition till realization of the amount. It was during the course of hearing, it was revealed to this Court that the present appellant had earlier also filed another appeal by way of FAO No.5968 of 2015 titled 'Yogesh vs. Ganga Bishan and others' challenging the same very award passed in the same very claim petition

by the present appellant Yogesh and which was disposed off vide orders dated 02.09.2016 passed by the Daily Lok Adalat of this Court.

As greed has no ends, has implored claimant Yogesh who has by now attained 21 years of age, to file the present FAO bearing No.6619 of 2017 wherein he has challenged the same very award dated 19.05.2015 by intentionally misstating the fact that this was the first appeal against the said award and in support of which a duly sworn affidavit of the present appellant, then claimant before the lower Court, has been filed stating that he has not filed any similar appeal earlier either in this Court or in the Hon'ble Supreme Court of India. To camouflage the misdeeds, an application for seeking exemption from filing certified copy of the impugned award too has been filed claiming that the same was not readily available with the appellant. This Court has called for the records of earlier FAO No.5968 of 2015 and a comparison of the certified copy placed with the earlier appeal and the photostat copy with the present appeal reveals that it is a photostat copy of the certified copy of the award earlier filed with the previous appeal, regarding which application for getting certified copy was filed under application No.4098 dated 20.05.2015 and was prepared on 24.06.2015 and delivered on the same very day. Thus, from it all, it stands adequately established beyond any shadow of doubt that the appellant Yogesh through his counsel has

devised this way with an eye on getting more compensation by material suppression of earlier facts.

To the very specific query of this Court, learned counsel for the appellant Mr. Rajesh Bansal, Advocate could not in any manner shield what has come up before this Court. Rather what is more elucidated that the handwriting on the two FAOs at certain places have lots of similarities and therefore, leaves no scope to doubt that an effort has been sought to be made to hoodwink the law and this Court by such an attempt of recourse to law through falsehood. This Court being satisfied that it is not only the appellant who has taken the law for a ride but his counsel too did not take requisite precautions into the matter before filing the second appeal. In the light of what has come across, this Court feels it expedient to summarily dismiss this appeal with special costs of ₹ 5.00 lacs which shall be borne by the appellant Yogesh and as a mark of laying the foundation of judicial ethics the counsel for the appellant is directed to plant 5000 trees after purchasing the saplings from the Government nursery under supervision of the District Forest Officer who will certify the same. On failure of the appellant to pay the costs, the same shall be recovered as arrears of land revenue.

Copy of this order, to ensure due compliance, be sent to the office of Registrar (General) of this Court, who would also initiate

proceedings under Section 195 Cr.P.C. against the appellant Yogesh and would take necessary steps in its effective reaching to the logical conclusion and further to ensure that such like manipulations do not escape the eyes of Registry in future.

(FATEH DEEP SINGH)
JUDGE

February 25, 2020
rps

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