

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

FAO-5198-2018

Date of Decision: 6.2.2020

Rijwan

...Appellant

Versus

Haroon and others

...Respondents

CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Ms.Sona Kaur, Advocate for
Mr.Ashish Gupta, Advocate
for the appellant

RAJIV NARAIN RAINA, J. (ORAL):

The present appeal has been filed against the Award dated 17.5.2018 passed by Motor Accident Claims Tribunal, Gurugram, (for short, “the Tribunal”) whereby the claim petition filed by the appellant under Section 166 of the Motor Vehicles Act has been dismissed.

The Tribunal has announced nil award for the following reasons:

“The argument of learned counsel for respondent No.3 are convincing that both the vehicles have been put on the alleged spot of occurrence by the petitioner as well as respondent No.1 in collusion with each other and after that they had informed the police, who reached the spot and without enquiry has registered the FIR. When the injured was not in a position to give statement they why Mohd.Aasib and Arshad did not inform the police despite the fact that as per alleged story both, the offending vehicle

as well as vehicle of the injured were found lying on the spot for a period of ten days. It is to be noted that neither Mohd.Aasib, with whom the injured was riding, has come on spot to take his bike nor respondent No.1 has come on the spot to take his bike, for a period of ten days. Therefore, the petitioner has failed to explain the delay in registration of FIR and that there was no collusion between him and respondent No.1. He has failed to prove the involvement of the offending vehicle bearing registration No.HR-28F-0547 in the accident in question. As such, issue No.1 is hereby decided against the petitioner.

The reasons are self explanatory and need nothing more to be added.

The appeal is accordingly dismissed.

February 6, 2020
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(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No