

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

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**FAO-6682-2019 (O&M)
DATE OF DECISION: 22.01.2020**

MAIN PAL @ HONDA AND ANOTHER ... Petitioner(s)

Versus

**IFFCO TOKIO GENERAL INSURANCE COMPANY LTD, AND
ANOTHER**

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Virender Rana, Advocate for the appellant(s).

ANUPINDER SINGH GREWAL, J. (ORAL)

The appellant has challenged the order dated 26.08.2019 whereby the Motor Accident Claims Tribunal has awarded compensation of Rs.2 lakh along with interest at the rate of 7.5% per annum to the claimant, which is to be paid jointly and severally by the appellants, who are the owner and driver of the vehicle.

Learned counsel for the appellants contends that the factum of the vehicle being involved in accident was not proved as evidence of the alleged eye-witness who was examined as PW-3 and the claimant who was examined as PW-1 was contradictory inasmuch as, PW-1 had stated that the vehicle, on which he was travelling, did not have any number and AF (applied for) was written on the number plate, while PW-3, in his cross-examination, had stated that the temporary number was there on the number plate of the motorcycle on the date of the accident.

Heard.

I have gone through the material on record. The accident is stated to have taken place at 05:30 p.m on 01.07.2016. The claimant had suffered several injuries in the incident. He was admitted in the hospital on 01.07.2016 at about 10:00 p.m. He was unfit to make his statement and only after his discharge on 04.07.2016, he had recorded his statement which led to the registration of the FIR on 06.07.2016. PW-1 and PW-3 had deposed with regard to the factum of the accident. The claimant had also examined ASI Vikas as PW-2, who had investigated the case and he had been informed on 02.07.2016 that the accident had taken place in the evening of 01.07.2016 and the claimant after receiving injuries was admitted in the hospital. He had gone to record the statement of the claimant in hospital but he was not found to be fit to give his statement and after the discharge of the claimant, the statement was recorded and FIR was registered.

There does not seem to be any material contradiction in the statements of PW-1 and PW-3. Merely because PW-3 has stated that there was a temporary number on the vehicle would not dent the case of the claimant that the accident had indeed taken place in the wake of other evidence on record, including that of the Investigating Officer and the factum of injuries having been caused to the claimant. The MLR, Ex. P-3 had revealed that the claimant had been caused several injuries in the accident. The claimant had tendered in evidence bills amounting to Rs.1,71,000/- on account of his medical treatment. The bills were annexed as Annexures P-14, P-16 to P-23. Therefore, I do not find any merit in the contention

of the petitioner. The factum of the accident and the injuries having been suffered by the claimant has been proved on the basis of evidence on record.

Consequently, the appeal stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

22.01.2020.
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No