

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1076 of 2018

Biswaranjan Patra

.... ***Appellant***
Mr.P.K.Mishra, Advocate

-versus-

Harekrushna Biswal and another

.... ***Respondents***
Mr.M.C.Nayak, Advocate for Respondents No.2

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
06.09.2022**

Order No.

6.

1. The matter is taken up through Hybrid mode.
2. Heard Mr.Mishra learned counsel for the Appellant and Mr.Nayak, learned counsel for the claimant-Respondent No.2.
3. Present appeal by the injured-claimant is directed against the judgment dated 9th August, 2018 passed by learned 3rd M.A.C.T., Jagatsinghpur in M.A.C. Case No.156 of 2007, wherein the Tribunal has refused to grant any compensation in his favour on account of alleged accident dated 8th July, 2007.
4. Perusal of the impugned judgment reveals that the Tribunal has rejected the claim of compensation of the Appellant upon the finding that he was driving the jeep at the time of accident without any driving license, without registration and without insurance policy.

5. The claimant examined three witnesses on his behalf. P.W.1 is the claimant himself. P.W.2 is the alleged driver of the jeep and P.W.3 is the Informant and helper of truck bearing Registration No.OR-21-A-0506. The admitted fact remains that the accident was the result of front collusion between the jeep and the truck. The F.I.R. was lodged by P.W.3 stating that in the accident the driver of the jeep was injured and except him no other person was there in the jeep. The police upon completion of investigation submitted charge-sheet against the driver of the truck and also submitted the prosecution report against the claimant under Sections 181/192/196 of the M.V.Act. The claimant subsequently developed his case that the jeep was driven by P.W.2 and he was sitting beside him in the front seat. P.W.2 is the alleged driver of the jeep who has been disbelieved by the Tribunal. It is seen that the contents of the F.I.R. under Ext.1 lodged by P.W.3 is not denied in his cross-examination though said P.W.3 in his examination-in-chief has stated that two persons including the driver were there in the jeep at the time of accident against his own contention made in the F.I.R.

6. The circumstances reveal that no other person than the claimant was in the jeep as it was elicited during cross-examination of P.W.2 that he neither sustained any injury nor underwent any treatment in any hospital. Thus, the story narrated in the F.I.R. under Ext.1 and the circumstances that P.W.2 did not sustain any injury and the police report suggests the fact that the claimant was driving the jeep at the time of accident without driving license, without registration and insurance; the finding of the Tribunal that the claimant has developed his case

subsequently implanting P.W.2 as the driver of the jeep to manage the compensation cannot be faulted with.

7. In the circumstances, and the materials brought on record before the Tribunal, this Court does not find any ground to interfere with the impugned judgment.

8. Resultantly, the appeal is dismissed.

C.R.Biswal

