

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

**FAO No.4025 of 2016 (O & M)
Date of Decision:-15.12.2022**

Himanshu (minor) through guardian Shri Surender

...Appellant

Versus

Ashok Kumar and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. J.P. Sharma, Advocate
for the appellant.

Mr. Pardeep Goyal, Advocate for respondent No.3-Insurance
Company.

NIDHI GUPTA J. (Oral)

This appeal has been filed by the claimant/injured against the Award dated 01.2.2016 passed by the Motor Accident Claims Tribunal, Narnaul, whereby the appellant/claimant's claim petition has been dismissed.

It is submitted by learned counsel for the appellant that the claim petition has been dismissed by the learned Tribunal only on the ground that the FIR was lodged after a delay of over two months. Perusal of the facts of the case shows that the accident is supposed to have taken place on 06.11.2014, whereas the FIR bearing No.32 under Sections 279, 337 and 338 IPC, Police Station Sadar, Narnaul was lodged on 29.1.2015 regarding the accident in question. Even PW2 Devender alleged eyewitness, has deposed that he had disclosed the registration number of the offending vehicle to his brother

Surinder/father of the claimant on the same day, but still no FIR was lodged. Learned counsel for the appellant is unable to offer any satisfactory explanation for the said delay of over 2 ½ months in lodging FIR.

Further, perusal of the impugned Award shows that even otherwise, there are several discrepancies in the case set forth by the appellant, which the counsel is unable to controvert. The same are that: firstly, no medical record has admittedly been attached by the claimant in support of his claim of grievous injury. Secondly, even in the FIR it is mentioned that the accident occurred when the claimant was trying to cross the road. So, negligence on part of the claimant is not ruled out. Thirdly, there are discrepancies in the testimony of PW2 Devender Singh uncle of the claimant, as well as PW3 Surender father of the claimant. Fourthly, in the FIR Ex. P4 it is mentioned that PW2 arranged private vehicle and brought the injured claimant to Government Hospital Narnaul; but in the MLR Ex. P6 it is mentioned that the claimant was brought to the hospital by his father Surender. The counsel for the appellant is unable to explain the above contradictions.

Accordingly, I find no merit in the present appeal.

Resultantly, the same is hereby dismissed.

December 15, 2022

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No