

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

**FAO No.453 of 2017 (O&M)
Reserved on : 15.11.2022
DATE OF DECISION : 30.11.2022**

Badri Parshad

.....Appellant

Versus

Ramotar and Others

.....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Navmohit Singh, Advocate for the appellant

ALKA SARIN, J.

The present appeal has been preferred against the award dated 26.07.2016 passed by the Motor Accident Claims Tribunal, Narnaul dismissing the claim petition filed by the claimant- appellant.

The learned counsel for the claimant-appellant has contended that the factum of the accident stood proved and that the Tribunal erred in dismissing the claim petition of the claimant-appellant.

The brief facts relevant to the present *lis*, as per the averments made in the claim petition, are that on 20.02.2014 the claimant-appellant Badri Parshad along with Jagdish son of Jora Ram was going from village Bayal to his village Panchnota on foot. At about 8.00 pm, when they reached near water tank, tractor bearing registration No.HR-35H-1647 driven by its driver at a high speed and in a rash and negligent manner hit against the claimant-appellant because of which the claimant-appellant got entangled between the rear tyre of the tractor and the mudguard and the claimant was dragged for a long distance. He is stated to have sustained grievous injuries on his hand, leg and other parts of the body. It was further averred that the driver of the tractor fled from the spot. Though the claimant is stated to have been taken to the hospital immediately, however, the case bearing FIR No.46 under Sections 279/337/338 IPC was registered on 09.03.2014 in Police Station Nangal Chaudhary.

The claim petition was contested by the respondents. Respondent Nos.1 and 2 i.e. the driver and the owner of the offending vehicle, in their joint written statement, denied the contents of the claim petition and stated that no accident, as alleged, had taken place. It was further stated that the claimant-appellant in collusion with the Police had got registered a false case in order to extract compensation. Respondent No.3-Insurance Company contested the claim petition on the ground that the same had been filed by the claimant-appellant in collusion with respondent Nos.1 and 2. It was further stated that respondent No.1 did not possess a valid driving licence at the time of the accident and that there was a delay of 18 days in lodging the FIR.

On the pleadings of the parties, the following issues were framed by the Tribunal :

1. Whether the petitioner sustained injuries in a road accident which took place on 20.02.2014 in the area of village Panchnota (Police Station Nanga Chaudhary) due to rash and negligent driving on the part of respondent no.1 the driver of vehicle bearing no.HR-35H-1647 ? OPP
2. To what amount of compensation, if any, and from whom the petitioner is entitled ? OPP
3. Whether respondent no.1 did not hold a valid and effective driving licence, if so to what effect ?
OPR-3
4. Relief.

The Tribunal, on the basis of the pleadings of the parties and the evidence on the record, held that the factum of the accident was not proved primarily on the ground that there was total absence of evidence. The FIR was also lodged after a long delay. The accident took place on 20.02.2014 and the FIR was lodged on 09.03.2014. Further, the witnesses despite being summoned by way of non-bailable warrants did not appear in the criminal case to get their statements recorded. The Tribunal came to the conclusion that no accident took place and that the claim petition had been filed in connivance.

Learned counsel for the claimant-appellant has not been able to point out any cogent evidence on the record to convince this Court

regarding the factum of the accident. The entire story set up in the claim petition is rather unbelievable in as much as the witnesses as well as the claimant-appellant belong to the same village. However, the FIR was still not lodged till 09.03.2014. The whole story set up is improbable and unbelievable.

In view of the above, I do not find any ground to interfere in the award of the Tribunal impugned in the present appeal and the appeal is accordingly dismissed. Pending applications, if any, also stand disposed off.

30.11.2022
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(ALKA SARIN)
JUDGE

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO