

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

(244)

FAO-1750-2021

Date of Decision : April 21, 2023

Dharmender**.. Appellant****Versus****Devender and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Devender Kumar, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

Present first appeal has been filed challenging the Award of the Motor Accident Claims Tribunal, Faridabad dated 13.01.2021 by which, the claim petition has been dismissed on the ground that the claimants failed to prove that the accident occurred with the offending vehicle.

On being asked to point out the perversity in the findings recorded by the Motor Accident Claims Tribunal keeping in view the facts and evidence which had come on record, learned counsel for the appellant has not been able to point out any perversity but claimed that once the injuries were suffered by the claimants, they were entitled for the claim.

Merely that the injuries have occurred does not entitle the claim unless and until it is proved that the said injuries occurred due to the accident with the offending vehicle. The Tribunal has discussed the facts of the present case and recorded finding starting from paragraph 22 onwards of

the impugned Award as to how the version being put before the Tribunal by the claimants was under cloud. It has been clearly mentioned that the FIR which was registered that the vehicle number was not known whereas in the evidence, it was sought to be proved that the vehicle number was told to the appellant by one Tek Chand on 07/08.11.2007 but the appellant failed to clarify as to why he mentioned that he does not know the registration number of the vehicle when the FIR was registered on 12.11.2007. Further, even Tek Chand during his testimony has not been able to show from where he got the number of offending vehicle.

The findings recorded by the Tribunal are based upon the evidence which has come on record, which needs no interference by this Court.

Dismissed.

April 21, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No