

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+231

CM-17191-CII-2017 in/&
FAO-3522-2016
Date of Decision :31.01.2023

Jasmer Singh

...Appellant

Versus

Sat Pal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashit Malik, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-17191-CII-2017

The present application has been filed under Order 41 Rule 1 read with Section 151 of the CPC for exemption from filing certified copy of Annexures A-1 to A-3 as well as for placing on record Annexures A-1 to A-3 i.e statements of PW1, PW3 and PW4.

Application is allowed.

Annexures A-1 to A-3 are taken on record.

FAO-3522-2016

Learned counsel for the appellant submits that the evidence which had come on record, has not been appreciated correctly by the tribunal while recording the findings that an accident took place with the vehicle in question as being alleged by the claimants. Learned counsel for the appellant further submits that evidence has been produced wherein, PW-3 namely, Satbir has given the statement that he had seen the accident which took place with the vehicle in question but the said statement given by PW-

3/Satbir has been disbelieved by the tribunal without there being any valid justification.

I have heard learned counsel for the appellant and have gone through the record with his able assistance.

The testimony given by PW-3 has been considered by the tribunal and finding has been recorded to disbelieve the statement of the said witness. In the opinion of this Court, the said finding of the tribunal is correct as the said witness (PW-3), who claimed himself to be known of the injured being a co-villager of the injured and had stated that he was passing through the road at the time when the accident occurred but as he was to go to Delhi and he was in hurry, he did not stop so as to take the injured to hospital. This is too much to be believed that the co-villager/PW-3, who had seen the accident as well as injured lying on the road but did not take him to the hospital as he was in hurry. The said testimony does not inspire confidence to be believed hence, has rightly been rejected by the tribunal.

The findings recorded by the tribunal are not perverse or without any reason/justification.

No other argument has been raised.

Keeping in view the above, no interference is called for by this Court.

Dismissed.

January 31, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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