

CM-1419-CII-2019 ;
CM-1417-CII-2019 in/and
FAO No. 378 of 2019 (O&M)

2023:PHHC:043695

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101+236)

CM-1419-CII-2019 ;
CM-1417-CII-2019 in/and
FAO No. 378 of 2019 (O&M)
Date of Decision : 24.03.2023

Ramdhan

...Appellant

Versus

Raj Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.P.S. Nain, Advocate for
Mr. Vikrant Hooda, Advocate for the appellant.

Harsimran Singh Sethi J. (Oral)

CM-1419-CII-2019

Present application has been filed seeking condonation of delay
of 28 days in filing the appeal.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, the same is allowed and delay of 28 days
in filing the appeal is condoned.

CM-1417-CII-2019

Present application has been filed seeking condonation of delay
of 36 days in re-filing the appeal.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, the same is allowed and delay of 36 days
in re-filing the appeal is condoned.

CM-2572-CII-2020

Present application has been filed for placing on record the amended grounds of appeal in the present appeal.

Application is allowed and amended grounds of appeal are taken on record.

FAO No. 378 of 2019

In the present appeal, the challenge is to the Award passed by the Motor Accident Claims Tribunal, Jhajjar dated 03.04.2018.

Learned counsel for the appellant-claimant submits that the accident with the offending vehicle has not been accepted by the Motor Accident Claims Tribunal so as to award him the compensation, which findings of the Tribunal are contrary to the evidence on record. Learned counsel for the appellant-claimant submits that though it is a conceded fact that after the said accident, the appellant-claimant went home but the said act itself cannot mean to say that there was no accident, which took place with the offending vehicle being driven by respondent No. 1.

The argument, which is being raised by the learned for the appellant-claimant has been dealt with extensively by the Tribunal. The appellant-claimant not only went home after the alleged accident but no FIR was also registered for a period of more than three weeks from the alleged date of accident. Nothing has come on record that in case the claimant suffered the accident and the severity of the said accident was such that the claimant suffered 40% disability, the report qua the said accident would not have been given to the police after a period of three weeks. Once the story being put forward by the claimant was under the shadow of suspicion, it

cannot be said that the findings recorded by the Tribunal are perverse to the facts and evidence on record.

Even otherwise, the allegation that when the appellant-claimant was admitted in the hospital, there was a ruqua sent to the police by the hospital staff has also not been proved. Once the stand being taken by the appellant-claimant was not proved before the Tribunal, it cannot be said that the findings recorded by the Tribunal are perverse or incorrect.

Learned counsel for the appellant-claimant further raises an argument that after the registration of the FIR, the proceedings were initiated against the driver and he was charge-sheeted, which shows that there was an accident with the vehicle concerned. In this regard, it may be noticed that the criminal proceedings abated as the driver died and no finding could be recorded by the criminal court qua the occurrence of the accident in question or the negligence on the part of the driver of the alleged offending vehicle.

Keeping in view the above mentioned facts, it cannot be said that the Award dated 03.04.2018 given by the Motor Accident Claims Tribunal, Jhajjar is bad or the findings are perverse in any manner, hence the same needs no interference at the hands of this court in the present appeal.

Dismissed.

March 24, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No