

In the High Court of Punjab and Haryana, at Chandigarh

First Appeal Order No. 1491 of 2023 (O&M)

Date of Decision: 09.01.2024

Parveen Sharma and Another
... Appellant(s)

Versus

Satish Kumar and Another
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ketan Antil, Advocate
for the appellant(s).

Anil Kshetarpal, J.

CM-5641-CII-2023

1. For the reasons stated in the application, the same is allowed and delay of 98 days in filing the appeal is condoned.

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2. This appeal has been filed by the owner and driver of the vehicle bearing registration plate No. HR-69-C-0728, to challenge the correctness of the award dated 16.09.2022, passed by the Motor Accidents Claims Tribunal, Sonipat (hereinafter referred to as “the Tribunal”).

3. In order to comprehend the issue involved in the present case, the relevant facts, in brief, are required to be noticed.

4. On 05.02.2019, Satish Kumar filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the 1988 Act”) alleging that on 09.02.2018 at about 8.30 P.M., he was going from Halalpur Market to his village on his scooter rickshaw and he entered

into a scuffle with one Sharvan and three other persons. When he was ready to move his scooter rickshaw, an offending car bearing registration plate No. HR-69-C-0728, driven by its driver at a very high speed and in a rash and negligent manner, came and hit his scooter rickshaw from the back side, which resulted into grievous injuries to him as well as damage to his scooter rickshaw. The respondent No.1 and 2 (the appellants herein) contested the case while claiming that they have been falsely implicated and their vehicle was never involved in the accident. In order to prove his case, claimant-Satish Kumar stepped into the witness box as PW.1. He was thoroughly cross-examined by the learned counsel representing the appellants, however, he failed to impeach his credibility. The appellants (respondent No.1 and 2 before the Tribunal) did not step into the witness box. Ultimately, the Tribunal found that the claimant is entitled to ₹4,80,652/- (₹4,00,652/- towards medicines/medical bills/hospital charges).

5. The correctness of the aforesaid award has been challenged in this appeal. The learned counsel representing the appellants submits that there is a delay of ten days in the registration of the FIR.

6. This Court has considered the submissions of the learned counsel representing the appellants.

7. The claimants had suffered injuries in the accident. He had appeared in evidence as PW.1. The FIR was registered against the appellants. Moreover, it is the appellants who took a stand that they have been falsely implicated, however, failed to produce evidence to corroborate that allegation.

8. With respect to the argument that there was a delay in the

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registration of the FIR, it shall be noticed that the claimant had suffered serious injuries. Firstly, he was taken to Satyawadi Raja Harish Chander Hospital, Narela, Delhi. Subsequently, he was referred to Rajendra Hospital.

9. Keeping in view the aforesaid facts, it is held that mere delay of ten days in registration of the FIR is not sufficient for the appellants to prove their case. Hence, no ground is made out to interfere with the impugned order. Consequently, the present appeal is dismissed.

10. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

January 09, 2024
“DK”

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