



In the High Court of Punjab and Haryana at Chandigarh

[201]

FAO-1374-2004(O&M)
Date of Decision: 20.09.2024

BALWANT SINGH

..... APPELLANT

VERSUS

ISHWAR SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Vamika Johar, Advocate for
Mr. Pritam Singh Saini, Advocate for the appellant.

Mr. Suman Jain, Advocate and
Mr. Rishabh Jain, Advocate for respondent No.4.

Mr. Rishi Pal Singh, Advocate for respondent No.1.

SANJAY VASHISTH, J. (ORAL)

1. The injured/claimant, namely, Balwant Singh being appellant before this Court has filed the present appeal by challenging the Award dated 13.02.2004, passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as '*the learned MACT, Kurukshetra*'), whereby, the MACT Case No.165 dated 30.11.2002 was dismissed.
2. The injured/claimant Balwant Singh was serving as a 'Bus Conductor No. 210' and while on duty on 14.11.2002 with bus bearing Registration No.HR-37-3538, he suffered injuries on account of alleged rash and negligent driving by its driver Ishwar Singh (respondent No.1). Respondents No.2 & 3 (Haryana Roadways) are the owners of the said bus and respondent No.4, is the New India Assurance Company, with which the bus is stated to be insured.
3. The learned MACT, Kurukshetra has recorded its finding on the fact that the alleged incident of accident took place on 14.11.2002,



however, the fact that the injured/claimant suffered injuries, resulting into the fracture on his ring finger, remain unproven.

4. There is also no material available on record to reach to the conclusion that, following the fracture on the ring finger of the claimant/injured on 14.11.2002, any immediate medical treatment or prescription was sought by the injured/claimant. The claimant got himself first time medico legally examined on 19.11.2002 i.e. after five days of the alleged fracture and there is no explanation in regard to the delay in conducting of the medico legal examination. Even DDR No.17 was registered on 25.11.2002 with Police Station Ladwa i.e. after about 11 days. There being no such material to substantiate the pleadings raised by the claimant/injured in his claim petition and even before this Court also, despite being asked repeatedly. Ms. Johar, learned counsel for the appellants, is unable to provide any piece of evidence to prove that the fracture on the ring finger of the injured/complainant, was caused by the sudden application of brakes by the driver of the said bus on 14.11.2002, while the bus was proceeding from Shahabad to Ladwa.

5. Therefore, in the totality of the facts and circumstances, the findings recorded by the First Court i.e. the Motor Accident Claims Tribunal, Kurukshetra, are not required to be interefered with.

6. Consequently, the appeal is hereby dismissed.

(SANJAY VASHISTH)
JUDGE

September 20, 2024

ANJAL