

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****240****FAO-4911-2010 (O&M)****Date of Decision : 30.09.2024**

Harpreet Singh

....Appellant

VERSUS

Balwinder Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gagandeep Sandhu, Advocate for the appellant.

Mr. Neeraj Khanna, Advocate for
Mr. R.N. Singal, Advocate for respondent No.3.**ALKA SARIN, J. (Oral)**

1. Present appeal has been preferred by the appellant challenging the award dated 05.10.2009 passed by the Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as the 'Tribunal') whereby the claim petition filed by the appellant was dismissed as there was no evidence on the record qua the treatment taken by the appellant.

2. Learned counsel for the appellant herein would contend that another witness of the accident, namely, Jatinder Singh, who stepped into the witness-box as PW-2, has stated that he was an eye-witness of the accident and hence the Tribunal has erred in dismissing the claim petition.

3. *Per contra* learned counsel appearing on behalf of respondent No.3 has stated that the eye-witness of the accident, namely, Jatinder Singh appeared as PW-2 and he admitted in his cross-examination that he did not witness the occurrence and hence it was clear that he was introduced later on

as his name was not even mentioned in the application. It is further the contention that the occurrence was not even reported to the police. Further still, the bills, which were produced by the appellant, were all photocopies and none of the bills/receipts had the parentage of the patient, his address or age. The appellant has also not examined any doctor in support of the injuries received by him.

4. Heard.

5. In the present case the appellant failed to produce evidence in accordance with law inasmuch as the documents produced on the record were photocopies of the bills and none was summoned from the concerned hospital. Even the doctor has not stepped into the witness-box to depose qua the alleged injuries stated to have been suffered by the appellant herein. The argument of learned counsel for the appellant that another eye-witness of the accident, namely, Jatinder Singh has stepped into the witness-box as PW-2, is also belied by the fact that he admitted in his cross-examination that he was not a witness to the said accident. In the absence of any evidence, no fault can be found with the award passed by the Tribunal.

6. In view of the above, I do not find any merit in the present appeal and the same is dismissed. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

30.09.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO