



**207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO-538-2011(O&M)

Date of decision: 07.01.2025

Narender Singh

..Appellant

Versus

Jagjit Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rahul Vats, Advocate for the appellant

Mr. Sandeep Suri, Advocate for respondent no.3

* * * *

ANIL KSHETARPAL, J. (Oral)

1. The Motor Accident Claims Tribunal (hereinafter referred to as 'Tribunal') has dismissed the appellant's claim petition filed under Section 166 of the Motor Vehicles Act, 1988. The correctness of the aforesaid judgment has been challenged by the claimant in this appeal. A bare perusal of the award shows that the claim petition has been dismissed on the following grounds:-

i) The claimant has not examined his wife, who was the pillion rider on the two wheeler (bike).

ii) The petitioner has not examined the police official who recorded his statement which led to the registration of FIR.

iii) There might have been some collusion between the appellant and respondent no.1 (Driver of the vehicle no.DL-4C-AA-3557).



2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. It has come on record that the appellant after having suffered injury in the accident was first taken to Kohli Nursing Home on the date of accident i.e 08.06.2008. On the information given to the police by Kohli Nursing Home, the police officials visited the hospital but the doctor declared that the appellant was unfit to make a statement. Subsequently, the appellant was referred to Sir Ganga Ram Hospital, New Delhi. The FIR was registered on 10.06.2008. Registration of FIR is not in dispute. The claimant has been examined. Failure to examine the claimant's wife is not fatal to the claimant's case. Similar is the position with regard to the police official, who registered the FIR.

4. Learned counsel representing the respondent has failed to draw the attention of the Court to any evidence to prove that there was collusion between the claimant and respondent no.1. The Tribunal has only drawn presumption without any cogent evidence.

5. The Tribunal has not given any finding with respect to the quantum of compensation. The appellant remained admitted in Sir Ganga Ram Hospital for a period of 8 days. However, the learned counsel representing the appellant admits that medical expenses were reimbursed by the appellant's office.

6. Keeping in view the aforesaid facts, the award passed by the Tribunal is set aside while remitting the matter back to the Tribunal for deciding afresh in accordance with law. The aspect as mentioned in Para 5 of the judgment shall be kept in mind by the Tribunal while finally deciding



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the case. The parties through their learned counsels are directed to appear before the Tribunal on 07.02.2025. It shall be open to the parties to lead further evidence, if prayed for.

7. Disposed of accordingly.

8. All the pending miscellaneous applications, if any, are also disposed of.

07.01.2025

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No