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

FAO-949-2018

Date of Order:-21.01.2025

Sat Parkash Jhanji

...Appellant

Versus

Varun Verma and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Vipul Sharma, Advocate
for the appellant.

Mr. Rajesh Verma, Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal has been filed by the appellant – claimant under Section 173 of the Motor Vehicles Act, 1988 for setting aside the award dated 10.08.2017 passed by the Motor Accident Claims Tribunal (for short – ‘the Tribunal’), Chandigarh whereby claim petition preferred by him has been dismissed.

2. Counsel for the appellant has urged that the claimant suffered injuries in an accident caused by negligent driving by respondent No.1 and despite the fact that the accident and rashness in driving stood established, the Tribunal has erred in dismissing the claim petition.

3. Appeal has been opposed by the counsel for the insurance company – respondent No.3.



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4. I have heard counsel for the parties and considered their respective submissions.

5. Appellant filed a claim petition before the Tribunal, alleging that on 25.01.2006, he was driving a scooter on the Zirakpur – Ambala highway and was struck by a Maruti Car bearing No.HR03F – 5852. The claimant and his scooter were dragged for about 10 to 15 feet and, then the car struck a stationary scooter and an electric pole before it came to a halt. Claimant has alleged that he suffered multiple fractures due to rash and negligent driving of respondent No.1 and remained admitted and was operated upon in General Hospital, Sector 32, Chandigarh. He claims that an amount of Rs.1.5 lakh was spent on his treatment.

6. Record shows that an FIR No.28 was registered on 26.01.2006 at Police Station Dera Bassi on the statement of the claimant wherein he mentioned a different vehicle number. FIR Ex.C1 was registered against an unknown driver and as the complainant could not identify the accused-respondent No.1, he was acquitted in the criminal case. During his cross-examination before the Tribunal, the claimant stated that the vehicle number has been inadvertently mentioned in the FIR. Although, claimant stated that he recorded a supplementary statement before the police during investigation giving the correct vehicle number, but he has not been able to establish this assertion before the Tribunal. Claimant has not produced any evidence to show that his scooter was damaged in the accident. There is no evidence on the record to show that the injuries suffered by the claimant were on account of a road accident. The very factum of the accident is not

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established. The Tribunal is right in coming to the conclusion that the injuries allegedly sustained by the claimant cannot be attributed to the accident caused as a result of being struck by a car driven by respondent No.1. This Court does not find any error in the findings recorded by the Tribunal, which are upheld.

7. Appeal being devoid of merit is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

21.01.2025**Brij****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**