
Virinder Singh Vs Narinder Kumar and Another

First Appeal from Order No. 1183 of 1991

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 29, 1996

Acts Referred:

Motor Vehicles Act, 1939 " Section 110A

Citation: (1996) 114 PLR 645

Hon'ble Judges: Amarjeet Chaudhary, J

Bench: Single Bench

Advocate: Hemant Kumar and Rajesh Garg, for the Appellant;

Final Decision: Dismissed

Judgement

Amarjeet Chaudhary, J.

The Motor Accident Claims Tribunal, Chandigarh vide its award dated 26.4.1991 had dismissed the claim

petition filed u/s 110-A of the Motor Vehicles Act, 1939 in which the claimant had claimed a sum of Rs. 3,00,000/- as compensation on account

of injuries sustained by him in a road accident on 23.8.1988. Aggrieved by the award, the claimant has filed the present appeal for setting aside the

award.

2. The case of the appellant is that he had received injuries in the accident which was caused by one Narinder Kumar, driver of three-wheeler

bearing No. CHA-110 on 23.8.1988 and as such he was entitled to compensation.

3. The owner of the three-wheeler had not put in appearance despite service and as such he was proceeded against ex parte by the Tribunal. The

Tribunal dismissed the claim petition by holding that the claimant had failed to prove that the three wheeler which caused the accident in which he

had received injuries was driven by one Narinder Kumar.

4. Learned counsel for the appellant contends that the appellant could not give the number of the offending vehicle as he became unconscious after

sustaining injuries and he re-gained consciousness in the P.G.I. on the next day. He further contends that the identity of the offending vehicle was

well established as the number of the vehicle involved in the accident was given by one Ramesh Kumar. As such, compensation should have been

awarded to the claimant.

5. After having considered the submissions of learned counsel for the parties and perusing the paper book, I am of the considered view that the

appellant had failed to prove involvement of vehicle in the accident. The person who had given the number of the vehicle was not produced in the

witness box. The appellant had neither produced the copy of the report alleged to have been recorded at Police Station Sector 39 vide D.D.R.

No. 55 dated 23.8.1988 nor had examined any official witness to show that the accident in which he received injuries was caused by the three-

wheeler bearing registration No. CHA-110. The other important aspect of the matter, which cannot be lost sight is that the appellant had not led

any medical evidence to support his claim.

For the reasons stated above, the appeal is dismissed being devoid of any merit.