

(2006) 07 P&H CK 0227

High Court Of Punjab And Haryana At Chandigarh

Case No: None

Sham Lal and Another

APPELLANT

Vs

Chhote Ram

RESPONDENT

Date of Decision: July 5, 2006

Citation: (2006) 3 ACC 859

Hon'ble Judges: Pritam Pal, J

Bench: Single Bench

Judgement

Pritam Pal, J.

This appeal, by Sham Lal and Hemant Kumar, is directed against the award dated April 4, 1994 passed by learned Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as "the Tribunal"), whereby the appellants were held liable jointly and severally to pay a total compensation of Rs. 45,000 together with interest @ 12% p.a. from the date of filing of the claim petition till actual realization on account of the injuries sustained by respondent Chhote Ram, a boy of 10 years, in a vehicular accident, which had occurred on April 7, 1990 in the area of Police Station, Hodel, District Faridabad.

2. In nut-shell, the facts culminating to the commencement of this appeal, may be recapitulated thus:

3. On April 7, 1990, at about noon time, respondent Chhote Ram, while crossing a road was hit by a scooter bearing registration No. DAM-1760, being driven by Hemant Kumar appellant. The said scooter was owned by Sham Lal appellant. At the time of accident, the scooter was being driven at a very high speed and in a negligent manner by Hemant Kumar appellant. In the accident, Chhote Ram respondent had sustained as many as nine injuries on his eye, ear, face and head. He had also sustained fracture of temporal bone of the skull. The injured also remained admitted in the hospital for about 15 days.

4. On the other hand, appellant Sham Lal admitted his ownership of the scooter in question and at the same time, both the appellants denied the allegations of the respondent and further submitted that a false case for seeking compensation under the Motor Vehicles Act, has been filed against them. Then it was also alleged that in fact, daughter of Attar Singh, brother of Sham Lal appellant is married to one Ram Sarup, who is residing in the same locality of Nepal Singh, father of the claimant/respondent. Both these families are in inimical terms on account of their active involvement in the Municipal election of Hodel Town. Faridabad and, as such, on that account, a false case for causing the alleged accident was got registered at a belated stage.

5. The learned Tribunal, Faridabad, on the pleadings of the parties, had framed the following issues:

(1) Whether the petitioner was involved in any automobile accident with scooter No. DAM-1760 on 7.4.1990 within the territorial jurisdiction of this Tribunal? QPP

(2) If issue No. 1 is proved in the affirmative whether the aforesaid accident took place due to any act of omission or Commission on the part of the respondent? OPP

(3) Whether the petitioner suffered any injuries in the said accident and if so to what effect? OPP

(4) Relief?

6. After recording the evidence and hearing the learned Counsel for the parties, the learned Tribunal, returned the findings on Issue Nos. 1 to 3 in favour of the petitioner/respondent and against the appellants and ultimately passed the impugned award, as indicated in the opening part of the judgment. This is how feeling aggrieved, the appellant has come up in this appeal before this Court.

7. I have heard learned Counsel for the parties and with their assistance have gone through the record carefully.

8. The only argument raised on behalf of the appellants in the instant case is that the interested witnesses have been relied upon. In fact, the appellants have been involved falsely in this case by Nepal Singh, father of respondent Chhote Ram on account of his enmity with their relations. It was also argued that a criminal case for causing the accident was got registered against Hemant Kumar appellant after a delay of about 6 hours.

9. On the other hand, learned Counsel for the respondent has repelled the aforesaid points of arguments raised on behalf of the appellants.

10. I have given my thoughtful consideration to the submissions put forth on behalf of the parties and find no force in any of the above pleas raised by the learned Counsel for the appellants inasmuch as the FIR Ex. PB was registered against Hemant Kumar appellant on the same day of occurrence on the statement of P. W. 5

Nepal Singh, father of the injured. It is well proved on the file that immediately after the accident, the respondent, who was a boy of 10 years at the time of accident, was immediately removed by his father Nepal Singh to B.K. Hospital, Faridabad and there the police had recorded the statement of Nepal Singh, who was present in the hospital. It was but natural for him that immediately after the accident, instead of going to the Police Station first, he (Nepal Singh) shifted injured Chhote Ram to the hospital for treatment to save his life, who had sustained serious injuries on the vital parts of his body and remained admitted in the hospital for about 15/16 days. The version of the injured and eye witness is also fully corroborated from the contents of FIR Ex. PB, which was registered on the date of accident itself.

11. In these given facts and circumstances, it does not appeal to the conscience that a real culprit causing the accident would be allowed to go scot-free and the innocent person would be involved falsely. The next submission pertaining to the involvement of the appellants falsely on account of enmity of their relations with the father of the respondent/injured Chhote Ram also does not appear to be trust-worthy. Thus, in the totality of the facts and circumstances as discussed above, I find no merit in any of the points raised above by learned Counsel for the appellants.

12. No other point has been urged or argued before me by any of the learned Counsel for the parties.

13. In the result, this appeal fails and the same is hereby dismissed leaving the parties to bear their own costs.