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**(2014) 03 P&H CK 0143****High Court Of Punjab And Haryana At Chandigarh****Case No:** F.A.O. No. 36 of 2000 (O & M)

Jaswinder Singh

APPELLANT

Vs

Balwant Singh

RESPONDENT

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Date of Decision: March 20, 2014

Citation: (2014) 4 RCR(Civil) 55

Hon'ble Judges: Jitendra Chauhan, J

Bench: Single Bench

Advocate: Gopal Mittal, Advocate for the Appellant

Final Decision: Dismissed

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**Judgement**

Jitendra Chauhan, J.

The instant appeal has been preferred by the appellant claimant against the impugned Award dated 27.09.1999, passed by the learned Motor Accident Claims Tribunal, Mansa, (for short, "the Tribunal"). The learned counsel for the appellant refers to Ex. RW-3/A, DDR dated 20.07.1996, and states that the appellant was hit by the offending vehicle and was removed to the hospital in the same vehicle. The registration number of the vehicle and the name of the driver have also been reflected therein. Thus, the learned Tribunal erred in not relying thereupon.

2. There is no assistance on behalf of the respondents.

3. I have heard learned counsel for the appellant and gone through the record. Contrary to the version recorded in the DDR dated 20.07.1996, in Roznamcha report No. 38 dated 20.07.1996, Ex. PW- 3/A, the appellant has himself stated that he fell down from the scooter himself and no other person is responsible for it. It is further recorded that he did not want to take any action against any person. Yet another aspect of the matter is that after the accident, the appellant was firstly removed to some private hospital at Maur Mandi. Thereafter, he proceeded to Civil Hospital, Bathinda, instead of going to Civil Hospital, Mansa, where he was medically examined by the Medical Officer. However, regarding injury No. 1, he made a

supplementary report, Ex. PA, on 23.07.1996, wherein it has been stated that injury No. 1 was written by mistake and he corrected the mistake later on. Thus, the conduct of the Medical Officer is also doubtful in this case. Furthermore, the bills Mark A to Mark F, produced by the appellant are on plan papers and do not bear any number. These are neither signed by the doctor nor proved in accordance with law. Therefore, no fault can be found with the findings recorded by the learned Tribunal that the appellant has failed to prove that the accident took place due to the rash and negligent driving of the respondent-driver. Thus, the compensation was rightly denied to him.

Dismissed.