

Pinder Singh Vs. Devinder Singh and ors.

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Court : Punjab and Haryana

Decided On : Feb-08-2006

Reported in : III(2006)ACC649; (2006)144PLR346

Judge : Viney Mittal, J.

Acts : [Motor Vehicles Act, 1988](#) - Sections 166

Appeal No. : First Appeal from Order No. 1700 of 1997

Appellant : Pinder Singh

Respondent : Devinder Singh and ors.

Advocate for Def. : Ravinder Arora, Adv. for respondent No. 3

Advocate for Pet/Ap. : Shailender Sharma, Adv.

Disposition : Appeal dismissed

Judgement :

Viney Mittal, J.

1. The claimant is the appellant before this Court. His claim petition filed under Section 166 of the Motor Vehicles Act 1988 (for short 'the Act') for grant of compensation on account of injury suffered by him has been rejected by the learned Tribunal.

2. The claimant filed a claim petition pleaded that on September 21 1994 he along with one Gurdev Singh was returning to his village while sitting on a pillion seat of the scooter being driven by Gurdev Singh. A Maruti car being driven by Devinder Singh-respondent came from the opposite side and hit the scooter. It was claimed that the aforesaid Maruti car was being driven rashly and negligently. The claimant further claimed that he had suffered a permanent disability to the extent of 60%. Accordingly he filed the aforesaid claim petition claiming compensation.

3. The learned Tribunal found that the accident had taken place due to rash and negligent driving of the driver Devinder Singh. However the learned Tribunal further found that the claimant had not led any evidence which could prove that he had suffered any permanent disability or that he had incurred any medical expenses as were claimed by him. On account of lack of any such evidence before the Tribunal the Tribunal found that the claimant was not entitled to any compensation. Consequently the claim petition filed by the claimant was dismissed.

4. I have heard Mr. Shailendra Sharma the learned Counsel appearing for the claimant and Mr. Ravinder Arora the learned Counsel appearing for the respondent No. 3 Insurance Company and with their assistance have also gone through the record of the case.

5. Mr. Sharma the learned Counsel appearing for the claimant has argued that the claimant had produced a medical certificate Ex.AX to show that he had suffered permanent disability. On that account it has been argued that the permanent disability of the claimant was duly proved. However I find myself unable to agree with the aforesaid contention of the learned Counsel. As a matter of fact the mere production of the certificate Ex.AX would not prove any fact in favour of the claimant. No doctor has been examined by the claimant nor the aforesaid certificate Ex.AX has been formally proved. In these circumstances mere production of a medical certificate cannot be made the basis of any assessment.

6. I do not find that findings recorded by the learned Tribunal suffer from any infirmity or are contrary to the record. Consequently finding this appeal is devoid of any merit the same is dismissed.

