

Jaidev Vs. Dev Singh and anr.

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Court : Rajasthan

Decided On : Jan-07-2009

Reported in : 2009(2)WLN451

Judge : Prakash Tatia, J.

Appellant : Jaidev

Respondent : Dev Singh and anr.

Disposition : Appeal dismissed

Judgement :

Prakash Tatia, J.

1. Heard learned Counsel for the parties.
2. The appellant, owner of the vehicle, is aggrieved against the award dt. 16.08.2007 passed by Motor Accident Claims Tribunal, Sri Ganganagar in MACT Case No. 63/2005 whereby the Tribunal awarded compensation of Rs. 70,668/- on account of injuries suffered by the claimant/respondent Dev Singh.
3. Learned Counsel for the appellant submitted that the appellant's vehicle has been wrongly involved in the accident. In the FIR, vehicle number was given as RJ 13C 0155 whereas the appellant's vehicle number is RJ 13C 515. It is also submitted that the claimant in his statement before the Tribunal very specifically

admitted that the number given in the FIR of the vehicle which is RJ 13C 0155 is the vehicle by which the accident was caused. It is submitted that in fact, the driver of the appellant's jeep merely helped the victim as he found the victim sitting injured after the accident, which was caused by jeep No. RJ 13 C 0155 and he took the victim to his house.

4. It is also submitted that the claimant could not note down the number of the vehicle from which the accident was caused and, therefore, he falsely implicated the appellant's vehicle.

5. I considered the submissions of learned Counsel for the parties and perused the facts of the case as well as the statement of victim.

6. It is relevant to mention here that the police investigated the offence and filed challan against the driver of the appellant's jeep wherein they prepared the site report and obtained the MTO report for the appellant's vehicle. The appellant was given notice under Section 133 of the Motor Vehicles Act and registration certificate and medical certificate of the victim were obtained by the independent agency.

7. The appellant's witness NAW1 Yajdev though stated that he merely helped the victim by taking the victim to his house by putting the victim in jeep and also stated that the accident was occurred by the jeep No. 0155 but his statement cannot be relied upon in toto. It is admitted by the appellant's driver that at the relevant time, the vehicle of the appellant with his driver was there on the spot where the victim was injured. There may be possibility of confusion in mentioning the vehicle number in the FIR because of the reason that there being similarity in the number of vehicles mentioned in the FIR and the vehicle found involved in the accident.

8. Acquittal of the appellant's driver is not relevant for the purpose of deciding this appeal because of the reason that the Tribunal after considering the evidence on record reached to the independent conclusion that the appellant's jeep was involved.

9. The claimant produced medical bills and his disbursement slip from which it is proved that he remained indoor patient from 29.09.2004 to 05.10.2004 and he incurred the expenditure for medicines to the tune of Rs. 3,068/-. He suffered 45% permanent disability.

10. In view of the above reasons, the quantum awarded to the claimant cannot be said to be excessive in any manner. The interest awarded on the above amount is 7.5% p.a. and that need not be interfered by this Court.

11. In view of the above reasons, this appeal, having no merits, is hereby dismissed.

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