

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Miscellaneous Appeal No. 2628/2010

Satish Kumar S/o Sitaram, R/o Bhedoli Tehsil Dausa, Police
Station Kolva, District Dausa. -----Appellant-Claimant

Versus

1. Kishanlal S/o Rewarmal, R/o Kali Pahadi Police Station
Dausa
2. Prabhat Kumar S/o Budha Ram, R/o Maruti Colony, Dausa
3. National Insurance Company Limited Through Branch
Manager, Branch Office Near Poonam Talkies, Lalsot Road,
Dausa. -----Respondents-Non-Claimant

For Appellant(s)	:	Mr. Prakash Chand Thakuriya
For Respondent(s)	:	Mr. Lokesh Parihar Mr. Ashish Kumar Sharma

HON'BLE MR. JUSTICE SANDEEP TANEJA

Judgment

17/03/2026

1. By way of instant appeal filed under section 173 of Motor Vehicle Act, 1988, the appellant-claimant (for short 'the claimant') has challenged the judgment dated 02.08.2010 passed by the learned Motor Accident Claims Tribunal, Dausa in MACT Case No.400/2007 by which the claim petition of the claimant was dismissed.

2. Heard learned counsel for both the parties and perused the record.

3. The appellant is the claimant in this case who filed the claim petition before the learned Tribunal stating *inter alia* that on 02.03.2007, the claimant, along with his brother, was going on motorcycle bearing Registration No.RJ-29-SA-1588, from Dausa to Bhedoli. At about 7:00 pm, when they reached near Manga Bhata, respondent No.1-Kishanlal, who was driving Tempo Terrex bearing

Registration No.RJ-29-P-0968 in a rash and negligent manner, came from wrong side and hit the motorcycle. As a result of this accident, the claimant sustained serious injuries. It was stated in the claim petition that at the time of accident, the claimant was earning Rs.8000/- per month and sustained permanent disability, hence claimed a sum of Rs.31,70,000/- under various heads on account of sustaining permanent disability.

4. The respondent No.1 (driver of the Tempo Terrex) remained *ex parte* before the learned Tribunal. The respondent No.2 (owner of the Tempo Terrex) filed reply to the claim petition, denying the negligence of respondent No.1. The respondent No.3-Insurance Company also filed reply to the claim petition and while denying its liability contended that a collusive petition has been filed by the claimant in order to extort money and accordingly, prayed for dismissal of the claim petition. It was also contended by the Insurance Company that the respondent No.1 was not having a valid and effective license on the date of alleged accident.

5. The learned Tribunal after framing the issues and evaluating the evidence on the record dismissed the claim petition vide impugned judgment.

6. The learned Tribunal in the impugned judgment noted that the alleged accident took place on 02.03.2007 in which he sustained injuries, however no injury report or X-ray report or X-ray plate was produced to prove the said injuries. The learned Tribunal further noted that no admission/ prescription slip etc., whatsoever, of the date of accident has been produced by the claimant in support of his contention that after the accident, his brother took him directly to SMS Hospital, Jaipur for treatment.

Though a discharge ticket dated 29.09.2007 was produced by the claimant, however the said discharge ticket nowhere mentioned that the claimant sustained injury due to motor vehicle accident. The learned Tribunal further noted that as per the documents produced by the Insurance Company neither the motorcycle, on which the claimant was going along with his brother, has any scratch or sign of damage nor any injury was caused to his brother (driver of the motorcycle) and therefore, found it improbable that a motorcycle which is hit by a jeep running at a speed of 80-100 km per hour remains without any scratch or damage and no harm is caused to the driver of the said motorcycle. Therefore, the learned Tribunal found force in the objection raised by the Insurance Company and dismissed the claim petition filed by the claimant.

7. This Court finds that the claimant failed to prove his case and the learned Tribunal after appreciating the evidence, led by both the parties, in a detailed manner dismissed the claim petition with a well-reasoned judgment. The findings rendered by the learned Tribunal in the impugned judgment do not suffer from any illegality, perversity or jurisdictional error so as to warrant interference by this Court.

8. Accordingly, the appeal, being devoid of merit, is dismissed.

9. All pending applications, if any, stand disposed of.

10. Registry is directed to send back the record of the case to the concerned Tribunal forthwith.

(SANDEEP TANEJA),J