

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 348 of 2000

Appellant :- U.P.S.R.T.C. Ghaziabad

Respondent :- Netra Pal And Another

Counsel for Appellant :- Samir Sharma(Senior Adv.),Sanjeev Kumar Yadav

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been filed by the appellant challenging the award dated 02.12.1999 passed by Motor Accident Claims Tribunal/IX Additional District Judge, Bulandshahr in M.A.C. Case No.220 of 1996.
3. Challenging the award, learned counsel for the appellant has contended that the finding of the Tribunal that the accident had taken place by bus No.UP-81B-5774 is perverse and against the record inasmuch as the technical inspection of the offending vehicle was done after two years from the date of accident, and thus, the Tribunal has erred in law in placing reliance upon the said technical inspection report to conclude that the accident had taken place by bus No.UP-81B-5774.
4. Be that as it may, the Tribunal in concluding that the accident had taken place by bus No.UP-81B-5774 had considered the testimony of eyewitnesses of the accident i.e. PW-1 & PW-2. The finding of the Tribunal in respect to occurrence of accident by busNo.UP-81B-5774 is based upon proper appreciation of evidence on record and the Tribunal in concluding that the accident had taken place by bus No.UP-81B-5774 did not place

any reliance upon the technical inspection report. In such view of the fact, the contention advanced by the learned counsel for the appellant is misconceived and is rejected.

5. Thus, for the reasons given above, the appeal lacks merit and is accordingly ***dismissed*** without any order as to costs.

Order Date :- 16.11.2023

R.S. Tiwari