

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No.615 of 1994

Date of Decision: 02.09.2015

**Sanjiv Kumar**

**.....Appellant**

**Vs.**

**Jai Kishan and Others**

**.....Respondents**

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI**

**Present:- Mr.Neeraj Khanna, Advocate for the appellant.**

**Mr.Assem Aggarwal, Advocate for respondent No.4.**

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**RITU BAHRI, J.**

**FAO No.615 of 1994**

Appellant-Sanjiv Kumar son of Sh.Krishan Chand has come up in the appeal against the order dated 01.10.1993, whereby, the claim on account of death of his father Krishan Chand has been dismissed.

On 10.01.1992, at about 12:00 noon Sh,Krishan Chand (deceased) was moving on his Moped bearing No.SYA 8184 from village Ban to Village Alipur. He was in the area of village Kheri Dabalan after crossing Kurukshetra-Saharanpur road. He was on the left hand side of the road on his way to village Alipur when bus No.HR-02/3754 driven by respondent No.1 (hereinafter called the respondent driver) came from Yamunanagar side and struck against the Moped of the deceased. The deceased was run over by the bus and he died at the spot. The bus was being driven at a very high speed and in a rash and negligent manner.

On notice of the claim petition, the respondents admitted the factum of the accident but stated that the bus was driving by the driver in a cautious manner. The evidence relevant to this issues were photographs (Ex.P-1 to

Ex.P-4) produced by the photographer Sh.Vijay Kumar.

The learned Tribunal had dismissed the claim petition by observing that the writing Ex.R2 given by Rajinder Kumar son of the deceased and respectables of the village stating that the accident took place because the deceased failed to control the vehicle. It has been further observed that the deceased had come driving his moped from a link road which was on the left hand side of the road qua the position of the bus and as per the photographer, it was standing on the right hand side of the road. Hence, in view of the the statement Ex.R2 and photograph Ex.P-1 to P-4 and accordingly, Rs.25,000/- was awarded as no fault liability.

After going through the judgment of learned Tribunal, there is no reason is made out to interfere in the finding of fact recorded by the learned Tribunal as there was no writing was given by the deceased to the effect that the accident had taken place on account of his negligence. It was further verified from the photograph Annexure P1 to P4.

According, appeal is dismissed.

**(RITU BAHRI)**  
**JUDGE**

**02.09.2015**  
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