

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.1353 of 2013 (O&M)
Date of Decision: January 20, 2015**

Nisha and others

...Appellants

Versus

Teja Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rakesh Bakshi, Advocate
for the appellants.

FATEH DEEP SINGH, J.

Challenge in this appeal is to an award dated 1.6.2012 of the Motor Accident Claims Tribunal, Hoshiarpur, whereby, claim of the claimants-appellants stood declined by the Tribunal.

Heard, learned counsel for the appellant.

It was on 28.12.2009 the deceased Ranjit Singh while going on his motorcycle bearing No. PB-06-J-2578 was hit by a tourist bus No.DL-01-PB-8304 and, thereafter, the said bus struck against a Tavera car No.PB-06-H5692. The respondents driver, owner and so its Insurer denied the accident. The deposition of PW2 Kewal Singh, author of the FIR Ex.P3 is invariably not an eyewitness and accepts that when the deceased did not return home, he along with one Risal Singh went on the National Highway and saw the dead body of the deceased and damaged motorcycle lying there and what transpires from the statement of PW2 Kewal Singh is that the Tavera car and the bus in question were standing 100 yards away from the accident site

and his deposition that they came to know of the accident due to rash and negligent driving of these vehicles and had stated it so on the basis of hearsay. The testimonies of PW4 Nisha Devi, PW5 Vidya Devi can in no manner advance the case of the claimants as well as the acts of rash and negligent driving attributed to the drivers of both these vehicles, thus, the conclusions drawn by the Tribunal that no eye-witness has been examined to prove this accident. Rather as has been observed by the Court below that the driver of the bus RW1 Teja Singh had denied the accident and has rather levelled allegations against the driver of the Tavera Vehicle which has not even been arrayed as a party, therefore, the conclusions drawn on issue No.1 cannot be found fault with.

Since the conclusions drawn on the earlier issue does not invest anybody responsible for causing this accidental death of the deceased, thus, no cause to adjudge the compensation is made out. However, in the light of the welfare nature of the Statute and that the provisions have been enshrined by way of Section 163 of the Motor Vehicles Act, 1988 for payment of compensation in cases of hit and run accidents, this Court deems it essential to give right to the claimants to recover the compensation under any such scheme so formulated by the Government and that these findings shall not be come into the way of seeking such a compensation.

With these discussions and findings, the instant appeal stands dismissed in limine.

(FATEH DEEP SINGH)
JUDGE

January 20, 2015

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