

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No. 4067 of 2015 (O/M)

Date of decision : 9.7.2015

Ravi Kumar and another

..... Appellants

Versus

Babli and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Jaspal Kaur Gurna, Advocate, for the appellants.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

This is appeal filed by the driver and owner against the award dated 3.4.2015, passed by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (in short 'the Tribunal'), whereby both the appellants (respondents before the Tribunal) were held liable jointly and severally to pay compensation to the tune of Rs. 5,60,000/- along with interest at the rate of 6% p.a. from the date of filing of the claim petition till its realization.

The brief facts of the case are that on 18.7.2013, Devinder Pal @ Lovely, a child of 5 years was playing in the village Chowk of Nagla alongwith other children. At about 2:00 PM, respondent (present appellant No. 1), while driving tractor trolley bearing registration No. PB-011-C-3591, loaded with fertilizer, being driven rashly and negligently, entered the street and ran over the said child, who was crushed under the right side wheels of the tractor. The occurrence was witnessed by Prem Chand, grandfather

of the child and one Jagdish Singh @ Jagdeep Singh.

Before the Tribunal, Prem Chand appeared as PW2 and recounted the eye-witness account. FIR No. 126, dated 18.7.2013 under Sections 279 read with 304-A IPC was registered at Police Station Lalru and the same was also proved as Ex.P1. Copy of the chargesheet (Ex.P3) and copy of challan (Ex.P4) were also proved before the Tribunal to show that appellant No. 1 is facing a criminal trial before the learned Judicial Magistrate 1st Class, Dera Bassi. Before the Tribunal, appellant No. 1 did not step into witness box to deny his involvement in the crime. In the accident, the learned counsel for the appellant contends that everybody in the village knows that appellant No. 1 has been falsely involved in the crime due to election rivalry in the village. However, the said argument is without any force. In this case, the accident was proved and appellant No. 1 did not lead any evidence to show that he was not involved in the accident and, therefore, mere saying 'rivalry in the village' is not sufficient to absolve the appellant from the liability. The death of the child is otherwise not denied though, the mode of the same is denied before this Court.

As such, I do not find any merit in the present appeal. The same is accordingly dismissed.

(KULDIP SINGH)
JUDGE

9.7.2015
sjks