

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.1925 of 1997 (O&M)

Date of decision : 30.05.2016

Ranjit Singh(deceased) through LRs and others

..... Appellants

versus

Om Parkash(deceased)through LRs and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Bhag Singh , Advocate for the appellants.

Mr.Vinod Chaudhri, Advocate
for respondent No.3.

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

AJAY TEWARI, J. (Oral)

This appeal has been filed against the order of the Motor Accident Claims Tribunal dismissing a claim petition.

Brief facts as made out in the petition were that on 16.03.1994 the deceased was driving his motor cycle bearing registration No. HR-02-A/6887 along with one Shokat Ali when he was hit by a tractor-trolley bearing registration No. HRE-8378 which was being driven rashly and negligently by respondent No.1-Om Parkash. The Tribunal noticed that the FIR in the case had been lodged by one Didar Singh who had reported that he had found the motor cycle on the road with its two occupants in a seriously injured condition being unconscious and apparently had an accident with some unknown vehicle. The driver succumbed to his injuries

and the pillion rider Shaoat Ali appeared in the criminal case and deposed that no accident had taken place with the tractor-trolley driven by respondent Om Parkas but the accident had actually taken place because of the rash and negligent driving of the deceased. The Tribunal further noticed that PW1 Amar Singh, who was claimed to be the eye witness, gave no explanation as to why he did not take the injured to the hospital or get the FIR lodged or make a statement before the police. Further the number he had given was a different number. In view of these discrepancies the Tribunal dismissed the petition.

Learned counsel for the appellants has argued that the actual fact is that Shokat Ali was won over by respondent Om Parkash and actually his first statement before the police was to the effect that the accident had taken place with the tractor-trolley of respondent Om Parkash. There was also a mechanical report which showed damage to the tractor. He has, however, accepted that none of this evidence is on the file of the present case. In these circumstances this material cannot be looked into. On the material which was before the Tribunal, the finding cannot be doubted.

Appeal is dismissed.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 30 , 2016
sunita