

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

**FAO No.958-1999 (O&M)
Date of decision : 07.04.2016**

Brij Lal and another Appellants

versus

Karan Singh and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Yashpal Thakur, Advocate for
Mr. Adarsh Jain, Advocate
for the appellants.

Mr. Naresh Chander, Advocate
for Mr. R.S.Chauhan, Advocate
for respondents No.1 and 2.

Mr. L.M.Suri, Senior Advocate with
Mr. Neeraj Khanna, Advocate
for respondents No.3-Insurance Company.

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 award dated 17.11.1998
whereby the claim petition was dismissed.

The case as set up by the claimants are that on 18.12.1994 the
deceased-Moti was returning to his village Nayagaon, Tehsil Palwal from
village Deeghot on his Scooter No.UAH-997 at about 12.30 a.m. in the
night. When he reached near Railway crossing in Village Bamnikhera,
Tehsil Palwal, at about 12.40 a.m., tractor bearing registration No.HR-

30/7298 which was being driven by respondent No.1 came rashly and negligently from Bamnikhera side and going to Deeghot side at a very dangerous speed committed the accident. Moti-deceased fell down on the pucca road and died at the spot. Respondent No.1 after committing the accident did not stop the offending tractor and occurrence was witnessed by Rajinder who was coming from village Bamnikhera. Rajinder tried to stop respondent No.1 but he did not stop the vehicle and fled away from the spot. The Tribunal noticed that in the FIR it had been mentioned that the accident had been caused by an un-known vehicle driven by an un-known person and one Rajinder was the author of the FIR. However, the said Rajinder never appeared as a witness and Shyambir appeared as a witness. Shyambir in his turn mis-stated the number of the offending vehicle as HR-30/7294 whereas it was HR-30/7298. The Tribunal held that his testimony did not inspire confidence and consequently dismissed the claim petition.

Even today learned counsel for the appellant has not been able to satisfy this Court as to how and in what circumstances Shyambir mis-stated the number. To my mind, since there is no explanation for the same no fault can be found with the findings of the Tribunal.

Appeal is dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

07.04.2016

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