

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

F.A.O. No.1168-2004 (O&M)

Date of decision : 21.04.2016

Paramjit Kaur and others

..... Appellants

versus

Mahipal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. M.S.Sullar, Advocate
for the appellants.

Mr. Rohit Goswami, Advocate for
Mr. D.P.Gupta, 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, Ambala dismissing the claim petition.

The accident is stated to have taken place on the midnight between 31st March and 1st April, 2000. It was a case of the appellants that the accident had taken place with the car owned by respondent No.2 which was being rashly driven by respondent No.1. The Tribunal however, noticed that in the FIR no name and particulars of the offending vehicle have been given and ultimately un-traced report was filed by the police.

Learned counsel has argued that PW-3-Charanjit Singh was the eye-witness. He had deposed that he was coming from Mauli Jagraon and saw the offending car hitting the deceased. He followed the offending car

overtook at a distance of about 4-5 kms. and then prevailed upon the respondent No.1-Driver who gave him his name and address and that of the owner-respondent No.2. As per him he went back to the Civil Hospital and handed over that slip to appellant No.1. As per appellant No.1 she had given that slip to the police.

Learned counsel for the appellants have argued that in the face of this testimony the Tribunal erred in dismissing the claim petition.

Learned counsel for the Insurance Company has however pressed that the testimony of PW-3-Charanjit Singh has rightly been held to be incredible. As per him once PW-3-Charanjit Singh said that he did not know the deceased or his wife or the appellant there is no explanation as to how he came to know that he had to go to the Civil Hospital and how he even identified the person to whom the alleged slip had to be given. Further he has pointed out that appellant No.1 stated that when the slip was handed over to her there were 2-3 persons with her while Charanjit Singh stated that when he handed over the slip to appellant No.1 she was all alone. Having gone through the entire record, I find no reason to take a view different to that of the Tribunal and consequently dismiss this appeal.

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

(AJAY TEWARI)
JUDGE

21.04. 2016

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