

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

**F.A.O. No.203 of 2007 (O&M)
Date of Decision : 06.05.2016**

Smt. Savitri Devi and another

..... Appellants

versus

Sunder Lal and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sushil Sharma, Advocate
for Mr. Gurcharan Dass, Advocate
for the appellants.

Mr. P.R. Yadav, Advocate
for respondent No.1.

Respondents No.2, 5 and 6 already proceeded ex-parte.

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)

Learned counsel for the respondent No.1 points out that respondent No.2 is the mother of respondent No.3 and they were both the LR's of the owner Jeet Singh. Consequently, the respondent No.3 is also proceeded ex-parte.

This appeal has been filed against the dismissal of the claim petition.

The Tribunal found that the appellants would not prove that the respondent No.1 was driving the vehicle in question.

Learned counsel for the appellants has argued that the Tribunal erred in not relying upon the testimony of eye witness Dalip Singh.

Learned counsel for the respondent No.1 however points out Dalip Singh was also the informant of the FIR and in the FIR he had mentioned that the offending vehicle was being driven by one Ramesh Kumar but he was not able to see the number thereof. When he appeared in testimony, he completely changed the statement and gave the name of respondent No.1 instead of one Ramesh Kumar who was driving the offending vehicle as per his statement in the FIR and also the number of the vehicle but offered no explanation for the same.

After going through the entire factual matrix, I find no fault 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.

May 06, 2016

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**(AJAY TEWARI)
JUDGE**