

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

FAO-2570-2011 (O&M)
Date of decision: 03.02.2016

Geeta Devi and others

...Appellants

Versus

Mohan Lal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sagar Aggarwal, Advocate,
for Mr. Ashit Malik, Advocate,
for the appellants.

Mr. R.S. Budhwar, Advocate,
for respondent No.1.

Mr. Vikash Chatrath, Advocate,
for respondent No.2.

JITENDRA CHAUHAN, J.

1. This appeal has been filed by the claimant-appellants against dismissal of his claim petition vide impugned award dated 27.10.2010, passed by the learned Motor Accident Claims Tribunal, Ambala, (for short, 'the Tribunal').

2. The learned counsel for the appellants contends that the learned Tribunal erred in not considering the specific statement of

PW-3, Hardeep Singh, to the effect that the accident was caused due to the rash and negligent driving of Kinetic Scooty bearing registration No.HR-01-J-0667 owned by respondent No.1. The statement of this witness was also recorded by the Police as Ex.P4, which formed the basis of the FIR, wherein, the registration number of the vehicle and the name of the driver are duly mentioned. Therefore, the learned counsel contends that the finding of the learned Tribunal to the extent that the statement, Ex.P4 made to the police neither contained the name of the driver nor the registration number of the offending vehicle is against record. He further states that the FIR was registered on the next day as the first priority of Hardeep Singh, PW-3, was to remove the injured (since deceased) to the hospital for first aid and treatment.

3. On the other hand, the learned counsel for respondent No.2, Insurance Company has stated that the learned Tribunal has rightly dismissed the claim petition as the driver-cum-owner of the offending vehicle was known to the claimants, who was subsequently introduced to secure unjustified claim.

4. I have heard the learned counsel for the parties and gone through the case file.

5. As per the evidence on record, the accident took place on 11.07.2009 at about 9.00 PM, whereas, the FIR came to be

registered on the next day, i.e. on 12.07.2009 at about 10.15 AM. In his statement, Ex.P-04 made before the Police, PW-3, Hardeep Singh, has stated that he came to know about the registration number of the vehicle and name of the driver subsequent to the accident. The assertion of this witness that he came to know about the number of the vehicle and name of the driver subsequently, itself makes the case of the claimants doubtful. In case, this witness was present on the spot, there was no necessity for him to collect information with regard to the driver and registration number of the vehicle.

6. In his cross-examination, PW-3, Hardeep Singh, has stated that he along with the deceased had gone to the house of one Sanjay to collect money. When they were returning after collecting the amount, they met with an accident. He has further stated that the name of the driver was obtained from said Sanjay, which again remains a mystery as to how Sanjay would know the name of the driver when he was not even present at the spot. There is no evidence on record to show that any claim was filed for the damaged vehicle involved in the accident or that the vehicle was taken into possession. There is no site plan on record either. It appears that the claimants after ensuring that the alleged vehicle is insured, have introduced the same in the present case.

In the above background, this Court is of the considered opinion that the learned Tribunal has rightly rejected the claim petition of the appellants. There is no ground to interfere in the well-reasoned judgment of the learned Tribunal. The compensation has been rightly denied to them.

Dismissed.

03.02.2016

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**(JITENDRA CHAUHAN)
JUDGE**