

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

FAO-360-2011 (O&M)
Date of decision: 03.02.2016

Smt. Santosh and another

...Appellants

Versus

Pardeep and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sumit Sangwan, Advocate,
for the appellants.

Mr. Jagbir Singh, Advocate,
for respondent Nos.1 and 2.

Mr. R.S. Madan, Advocate,
for respondent No.3.

JITENDRA CHAUHAN, J.

This appeal has been filed by the claimant-appellants against dismissal of their claim petition vide impugned award dated 17.09.2010, passed by the learned Motor Accident Claims Tribunal, Bhiwani, (for short, 'the Tribunal').

It is contended that the colour and make of the offending vehicle were disclosed to the police. FIR No.213 dated 10.07.2008 was registered, under Sections 279, 304 A of the Indian Penal Code, at Police Station Sadar Dadri. The matter was

investigated into by the police and it was found that the driver, Pardeep, was responsible for causing the accident.

On the other hand, the learned counsel for the respondent-Insurance Company contends that the offending vehicle has been introduced after 2 ½ months of the accident. The claimants have failed to prove that the offending vehicle, being driven by the respondent-driver, was involved in the accident.

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

In this case, the claimants have relied heavily on the fact that FIR, Ex.P2, was registered with regard to the accident in question and the respondent-driver was tried by a criminal Court in this regard. Apart from this, there is no other evidence to show the involvement of the driver of the offending vehicle in the accident. The alleged eye-witness, Baljeet, had not noted down the registration number of the vehicle. He deposed that the same was provided to him by the police. The FIR was registered against an unknown person. The accused-driver was arrested after 2 ½ months of the date of accident. It has nowhere been explained on record as to how the police came to know about the name of the driver. He further stated that he had identified the driver soon after the accident but for reasons best known to him, did not disclose his

identity to anybody. Moreso, the Investigating Officer has not been examined by the claimants.

Thus, it appears that after ensuring that the alleged offending vehicle was fully insured, the same was introduced to secure unjustified claim and the findings returned by the learned Tribunal to this effect do not suffer from any illegality or perversity.

There is no ground to interfere in the well-reasoned judgment of the learned Tribunal. The compensation has been rightly denied to the claimants.

Dismissed.

03.02.2016

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**(JITENDRA CHAUHAN)
JUDGE**