

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

FAO-6347-2011 (O&M)
Date of decision: 28.01.2016

Smt. Saroj Rani and ors. ..Appellants

Versus

Tilak Raj and ors. ..Respondents

FAO-6348-2011 (O&M)
Date of decision: 28.01.2016

Happy ..Appellant

Versus

Tilak Raj and ors. ..Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R. S. Mamli, Advocate for the appellants.

Ms. Vanadana Malhotra, Advocate with
Ms. Monika Jangra, Advocate for respondent No.3.

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JITENDRA CHAUHAN, J.

Vide this common judgment, I shall dispose of the
aforesaid two appeals.

The present appeals are directed against the impugned
orders dated 25.04.2011, passed by the learned Motor Accident
Claims Tribunal, Fatehabad (for short, 'the Tribunal'), vide which
claim petitions of the appellants were dismissed.

The learned counsel for the appellants states that the
learned Tribunal has wrongly dismissed the claim petitions of the

appellants as the accident in question took place, due to the rash and negligent driving of the car, being driven by respondent No.1. The learned Tribunal has also erred by not granting him even the amount of Rs.50,000/- under no fault liability.

On the other hand, the learned counsel for the respondent No.3 has vehemently opposed the appeals and submits that the driver of the alleged car was not holding a valid driving licence at the time of alleged occurrence, which was against the terms and conditions of the insurance policy.

I have heard the learned counsel for the parties and perused the record.

The learned Tribunal has passed the judgment dated 25.04.2011, after appreciating the entire facts and circumstances of the case, which suggests that car was driven by respondent No.1, who himself lodged the DDR Ex.P3, with the police and the same reflects that the accident took place as he could not see the truck on account of flash of light from vehicles coming from the opposite side and hit the standing truck.

Accordingly, the appeals are dismissed.

28.01.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**