

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

**F.A.O. No.507 of 2013 (O&M)
Date of Decision : 08.01.2016**

Ishwar Singh

..... Appellant

Versus

Sumitra Devi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. A.K. Jain, Advocate
for the appellant.

None for the respondents.

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)

By this appeal the appellant has challenged the award passed by the Tribunal holding the appellant jointly and severally liable alongwith one Manjeet Singh-respondent No.9 (driver of the offending vehicle) to pay the compensation of Rs.4,54,710/- alongwith interest @ 9% p.a. to the claimants-respondents No.1 to 7.

Brief facts of the case are that the deceased Ramesh Kumar alongwith others had hired an Auto Rickshaw No.HR-67-9087 on 11.08.2009 to go to the religious meeting at Kaithal, which was being

driven by its driver Manjeet Singh in rash and negligent manner. When they reached near Thermal Chowk, the Axle of the front wheel broke down suddenly and due to it the Auto Rickshaw turned turtle and fell on the road. The persons travelling in it received injuries, whereas Ramesh Kumar received fatal injuries on his head, brain and other vital parts of the body and he succumbed due to his injuries on 18.08.2009.

The argument of the learned counsel for the appellant is that actually the appellant had two three-wheelers, one bearing No. HR-67-9087 and one bearing No.HR-60-6072 and actually the accident had taken place with vehicle bearing registration No.HR-60-6072.

The Tribunal has relied on the testimony of the eye witness Ishwar Singh who had stated that at the time of accident the three-wheeler in question did not have any registration number and that is why he noted down the engine number and chassis number and thereafter the registration number of the said vehicle was also summoned and that came out to be the vehicle with registration No.HR-67-9087.

Learned counsel for the appellant has argued that this Ishwar Singh has also testified that driver of the vehicle was Manjeet Singh and Manjeet Singh had come and deposed that accident had taken place with vehicle bearing Registration No.HR-60-6072 and not with vehicle No.HR-67-9087 and his testimony has not even been referred to by the Tribunal at all.

The Tribunal has however observed that the said eye witness had noted down the engine number and chassis number of the three-wheeler

and the registration No.HR-67-9087 was found mentioned on the registration certificate, Ex.P3. In my opinion, though it cannot be said that the testimony of Manjeet Singh has not even been mentioned by the Court yet by itself would not render the appellant eligible to get any relief. There is no reason why Ishwar Singh should have given a wrong engine number and chassis number of the offending vehicle. Later on the fact come on record was that the engine number and chassis number was of the vehicle whose registration number was HR-67-9087. Even no evidence has been led to show that how the offending vehicle involved in the accident was of registration No.HR-60-6072.

No other argument has been raised by the learned counsel for the appellant.

In the circumstances, it cannot be said that the conclusion drawn by the Tribunal is either based on no evidence or based on the perverted reading of evidence.

Consequently, the appeal is dismissed.

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

January 08, 2016

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**(AJAY TEWARI)
JUDGE**