

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

**FAO No.5608 of 2014 (O&M)
Date of Decision: February 09, 2016.**

Jaspal

.....APPELLANT(s).

VERSUS

Avtar Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Navjinder S. Sidhu, Advocate
for the appellant (s).

SURINDER GUPTA, J.

CM-15585-CII-2014

Heard. There is delay of four days in filing the appeal.

2. Learned counsel for the appellant submits that inadvertently, the brief of this case got mixed up with the admitted cases and kept on lying there and could be traced out on 07.03.2013 and thereafter, the appeal was drafted and filed, resulting in delay of four days in filing the appeal. The application is supported by affidavit.

3. In view of the submissions made by learned counsel for the appellant, the application is allowed and delay of four days in filing the appeal is, hereby, condoned.

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4. This is appeal against the award dated 13.11.2013, whereby the claim petition filed by appellant Jaspal was dismissed in view of findings in connected MACT case No.15 of 2009, relating to the same incident, that

accident had taken place due to rash and negligent driving of the appellant-claimant.

5. The case of the claimant, in brief, is that on 18.01.2009, he was going on a motorcycle which was hit from behind by the motorcycle bearing registration No.PB-06-C-2961 driven by Sukhwinder Singh son of Piara Singh in a rash and negligent manner. The claimant suffered head injuries while Sukhwinder Singh also suffered injuries and ultimately died.

6. A case bearing FIR No.4 dated 19.01.2009 was registered against the appellant-claimant at Police Station Purana Shalla for the offence punishable under Section 304-A IPC and after inquiry, offences were enhanced by adding Sections 304 and 471 IPC in the FIR. Parents of Sukhwinder Singh also filed a claim petition for the death of Sukhwinder Singh (MACT case No.15 of 2009), which was allowed and the appellant-claimant was held liable for causing death of Sukhwinder Singh by rash and negligent driving of his motorcycle.

7. Learned counsel for the appellant has fairly conceded during the course of arguments that the award passed against the appellant has since attained finality and could not make out that the findings of the Tribunal are based on misreading of evidence or wrong appreciation of the evidence on record.

8. In view of my discussion above, this appeal has no merits.

9. Dismissed.

February 09, 2016.
Sachin M.

(SURINDER GUPTA)
JUDGE