

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

**FAO-8066-2015 (O&M)
Date of decision: 01.02.2016**

Babu Lal and others

...Appellants

Versus

Vikash and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Parkash Chahar, Advocate,
for the appellants.

JITENDRA CHAUHAN, J.

This appeal has been filed by the claimant-appellant against dismissal of his claim petition vide impugned award dated 04.07.2015, passed by the learned Motor Accident Claims Tribunal, Jhajjar, (for short, 'the Tribunal').

The learned counsel for the appellant contends that the learned Tribunal, without appreciating the evidence on record, dismissed the claim petition of the appellants. The FIR-Ex.P1, report under Section 173 Cr.P.C., Ex.P5 and the chargesheet, Ex.P4, are sufficient to prove that the respondent-driver caused the accident in question due to his rash and negligent driving.

I have heard the learned counsel for the appellant and

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gone through the case file.

In the instant case, the first version before the Police with regard to the accident in question has come from Parmanand and his son, Rakesh, to the effect that the while sitting on the tractor, the deceased, Krishan Kumar, started feeling dizziness and as a result of which, he fell down from the tractor and died due to the injuries sustained by him. However, an entirely changed version has been created after two months alleging that the accident took place due to the rash and negligent driving by the respondent-driver. There is no reason to disbelieve the first version rendered by Parmanand and Rakesh, who are the eyewitnesses of the accident.

In view of the above, this Court is of the considered opinion that the findings returned by the learned Tribunal to the effect that the appellants miserably failed to prove that the accident in question took place due to the rash and negligent driving by respondent-driver, Vikash. There is no ground to interfere in the well-reasoned judgment of the learned Tribunal. The compensation has been rightly denied to him.

Dismissed.

01.02.2016

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**(JITENDRA CHAUHAN)
JUDGE**