

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.1024 of 2005
Date of Decision: 05.07.2017

Raj Rani

.....Petitioner

Vs.

Chetan Kumar and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.U.K.Agnihotri, Advocate, for the appellant.

Mr.Pardeep Goyal, Advocate, for
the respondent No.3/Insurance Company.

RITU BAHRI, J. (ORAL)

The petitioner has come up in appeal against the order of learned Tribunal dated 11.01.2005 whereby, claim petition of the appellant has been dismissed.

After hearing counsel for the parties and going through the Award shows that FIR (Ex.P4) had been got registered by Baldev Kumar- father of the claimant after a period of around 13 days from the date of the accident for the offence under Section 279/337 IPC in which challan has been presented and charges have been framed. Dr.K.S.Rana had appeared as PW-2 and stated that he had examined the claimant on 21.04.2000 who is 9 years old and suffered injuries on the right eye and swelling on the head. The claim petition has been dismissed on the ground that there was a delay in lodging the FIR as the incident took place on 11.04.2000 and FIR was got registered on 24.04.2000.

learned Tribunal has failed to consider that appellant had suffered multiple injuries in the present accident. Her mental condition was not in order after the accident as she had suffered injury on her head in the present accident. She has been operated in PGIMS, Chandigarh as her eye was not properly functioning after the accident. Her eye sight had weakened to great extent and water is was continuously flowing from her eyes even after the operation. She is still undergoing treatment for her eyes and for the head injury. The life of the appellant has become miserable due to the present accident and the chances of her marriage has bleaked. Learned counsel for the appellant further submits that that the driver of the vehicle has been convicted by the trial Court and has been released on probation. Learned counsel for the petitioner further submits that the FIR was lodged after the return of the father of the appellant from Lucknow where he had gone. Furthermore, the little delay as in present case could not be said to be fatal to the case of the appellant.

Keeping in view the above, the present appeal is allowed and the matter is remanded back to the learned Tribunal for reconsideration with regard to claim of the appellant.

(RITU BAHRI)
JUDGE

05.07.2017
anil

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No