

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

611

FAO No.5423 of 2010 (O&M)

Decided on : 02.11.2017

Gurbachan Singh and others

... Appellants

Versus

Gurwinder Singh and another

.. Respondents

CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN

Present : Mr.Rajneesh Malhotra, Advocate
for the appellants.
Mr.Saurav Bhatia, Advocate for
Mr.S.S.Rangi, Advocate for respondent No.1.
Mr.Anupam Singla, Advocate for respondent No.2.

Avneesh Jhingan, J. (Oral)

The present appeal has been filed against the dismissal of a claim petition by Motor Accidents Claims Tribunal, Sangrur (for short 'the Tribunal').

2 Sukhwinder Kaur wife of Gurbachan Singh lost her life in a motor vehicular accident which occurred on 09.03.2009. The Tribunal dismissed the claim petition on the ground that rash and negligent driving of Bus No.PB-11-AB-9161 was not proved by the claimants.

3. Learned counsel for the appellants argues that the said negligence was duly proved by the evidence of witness CW-2, Satnam Singh. He further relies upon the order dated 3.2.2012 in criminal case passed by Judicial Magistrate 1st Class, Sangrur, according to which, the driver was convicted.

4. Learned counsel for the respondents raised the contention that the result of criminal proceedings should not effect the MACT

proceedings. Learned counsel for respondent No.1 further states that according to his instructions there was some compromise in criminal matter.

5. Without expressing any opinion on the merits of the case and in view of the changed circumstances and issue raised by the learned counsel for the respondent No.1 with regard to some compromise, the matter is remitted back to the Tribunal to decide the claim petition afresh in accordance with law.

6. Parties are directed to appear before the Tribunal on 16.01.2018.

[Avneesh Jhingan]
Judge

02.11.2017

sd

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No