

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

FAO No. 7084 of 2011

DATE OF DECISION : 15.11.2017

Anoop Singh

.... APPELLANT

Versus

Satpal alias Pulla and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Raj Kapoor Malik, Advocate,  
for the appellant.

Mr. D.P. Gupta, Advocate,  
for respondent No.3 – Insurance Company.

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**AVNEESH JHINGAN, J.** ( Oral )

The present appeal has been filed against the award dated 30.08.2011 passed by the Motor Accident Claims Tribunal, Kaithal (for short, 'the Tribunal'), dismissing the claim petition.

The factual matrix of the case are that Anoop Singh along with Jai Bhagwan was going on a motor cycle bearing registration No. HR 31C/9082, which was hit by a tractor, the registration number of which has not come on record. As a result of the accident, Anoop Singh suffered injuries and was hospitalised. FIR was also registered on the statement of Jai Bhagwan.

A claim petition under Section 166 of the Motor Vehicles Act,

1988, was filed by the injured. The said claim petition was dismissed by the Tribunal.

Aggrieved of the said award, the present appeal has been filed by the claimant.

Learned counsel for the appellant argued that driver of the offending vehicle has made confession in the criminal proceedings, therefore, involvement of the offending tractor is proved.

Learned counsel for respondent No.3 – Insurance Company defended the award and argued that none of the eye witnesses mentioned the registration number of the tractor. The driver of the tractor was known to Jai Bhagwan, who is nephew of the claimant. It cannot be ruled out that the said tractor is a planted vehicle.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue of involvement of the offending vehicle first by taking into consideration the confession made by the driver. It would be taken in account whether the confession was for mere fine or the driver underwent imprisonment.

Both the parties are directed to appear before the Tribunal on December 22, 2017.

Appeal is, accordingly, disposed of in the aforesaid terms.

**November 15, 2017**  
ndj

**( AVNEESH JHINGAN )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No