

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

617

FAO-988-2011

Decided on : 26.10.2017

RENU GUPTA

... *Petitioner**Versus*

SEWA SINGH JOHAL AND ORS.

.. *Respondents***CORAM : HON'BLE MR.JUSTICE AVNEESH JHINGAN**Present : Mr.Naresh Kumar Bansal, Advocate
for the appellant.Mr.Aseem Aggarwal, Advocate
for respondent No.3.

Mr.R.S.Sihag, Advocate for the respondent.

Avneesh Jhingan , J. (Oral)

The present appeal has been filed against the award dated 2.9.2009 passed by Motor Accidents Claims Tribunal, Rup-Nagar, (for short 'the Tribunal').

2. The appellant has filed the present appeal in which it is stated that the claim petition was wrongly dismissed on the ground that the claimants were not able to prove the rash and negligent driving of the offending vehicle.

3. Learned counsel for the appellant has argued that to support the claim petition and in order to prove the involvement of the offending vehicle and rash and negligent driving of the vehicle, Sharuti Kant PW-1, one of the claimants was examined who had allegedly fallen from the scooter of the deceased. He further stated that an independent witness PW-2, Kanwalpreet was also examined. His grievance is that even if the deposition of PW-1-Sharuti Kant was not accepted by the Tribunal, the witness, PW-2 Kanwalpreet should have been considered by the Tribunal.

4. Learned counsel for the respondents argued that the Tribunal after taking into consideration the entire facts of the case have come to the conclusion that the rash and negligent driving of the alleged offending vehicle was not proved.

5. Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to decide the issue afresh after considering the evidence and witnesses before it, especially the deposition of PW-2.

The appeal is disposed of in the above terms.

Parties are directed to appear before the Tribunal on 22.12.2017.

[Avneesh Jhingan]
Judge

26.10.2017

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Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No