

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

FAO No. 4056 of 2012 (O&M)
Date of Decision: December 15, 2017

Kuldeep Kaur and ors.

...Appellants

Versus

Secretary Transport Rajasthan and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Ms. Dhivya Jerath, Advocate (Amicus Curiae)
for the appellant.

Mr. AK Gahlawat, Advocate
for respondent no.2.

ANITA CHAUDHRY, J.

This appeal is by the claimants aggrieved by the dismissal of their claim petition by the Motor Accident Claims Tribunal, Ludhiana (here-in-after referred to as the Tribunal).

It is necessary to notice facts. Piara Singh was going on a motorcycle. His brother Ram Singh and his friend Gurmail Singh were on a separate scooter. The case set by the claimants was that respondent no.3 was driving the offending bus which came from the front side and struck a Tata Sumo bearing registration no. HR-01-E-0149, which was trying to overtake the motorcycle driven by Piara Singh and Sumo struck the motorcycle. The motorcycle of Piara Singh was going parallel to the Tata Sumo. Piara Singh suffered injuries and succumbed to the injuries. The respondents denied the accident and pleaded that no accident had taken place with their bus.

The claimants had only impleaded the owner and driver of the bus. The claimants examined Gurmail Singh who claimed that he was an eyewitness. The Tribunal noted that FIR had been lodged by brother of the deceased namely Ram Singh, which was against the driver of the Tata Sumo. It noted that Ram Singh did not step into the witness box. The Tribunal also noted that Gurmail Singh had given a different version than what was recorded in the FIR.

The Tribunal had elaborately discussed the evidence and had noted that the author of the FIR had been kept away from the witness box and the claim had been filed against the owner and the driver of the bus whereas the FIR had been registered against the driver of the Tata Sumo and there was a contradiction and disbelieved the statement of Gurmail whose presence on the spot was disputed.

I see no reason to take a different view. The appeal is dismissed.

(ANITA CHAUDHRY)
JUDGE

December 15, 2017

sunil

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No