

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 20.09.2017****FAO No.2582 of 2016**

Sumitra

...Appellant

Vs.

Krishan Kumar & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Satinder Kumar Rana, Advocate, for the appellant.

RAJIV NARAIN RAINA, J. (ORAL)

The finding of the Motor Accident Claims Tribunal, Sonapat is to the effect that Krishan Kumar, the driver of the alleged offending vehicle, could have been no more than at moderate speed and there was no rash and negligent driving on his part on the main road of the Model Town of Ambala City even if the claim was genuine which it did not turn out to be when the evidence came on record. The deceased was at best a gratuitous passenger in the car which allegedly hit a road divider and turned turtle causing the injuries which resulted into death. The car in which the deceased was commuting did not hit another vehicle. There was nothing on record to show that the deceased Virender had paid anything to respondent No.1 – driver as passenger by way of fare paid etc. The Tribunal did not buy the story and opined that the evidence of PW-2 Rajesh, the claimant's star witness, is hearsay evidence which should not be relied upon. Besides, Ex.P4 copy of death report records sudden death from natural causes. Therefore, no injury was reported on the person of the deceased. That should be the end of the

matter and the Tribunal has done well in refusing relief and dismissing the claim application vide impugned Award.

Consequently, while upholding the award dated 14.12.2015, the instant appeal is ordered to stand dismissed, as the claim to this Court as well appears to be a fabricated one.

20.09.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*