

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

444

FAO-90-2000 (O&M)
Date of Decision : 13.8.2018

Satwant Kaur

....Appellant

vs.

Dilbag Singh and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: None for the appellant.

Mr.Charanjit Lal, Advocate for
Mr. Kamal Sehgal, Advocate
for respondent No.3-insurance company.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award of the Motor Accident Claims Tribunal, Ropar whereby only 'no fault' liability had been granted.

The case of the appellant was that on 8.12.1996 she was going to the hospital on cycle on the left side of the road when a truck driven by respondent No.1 in rashly and negligently manner came and hit her. As a result of which she suffered grievous injuries.

On the other hand the case of respondents No. 1 and 2 was that actually on the fateful day, the truck was being driven very carefully at a very moderate speed, a child suddenly came in front of the bicycle of the appellant as a result of which, she lost her balance and hit into truck. Even though there was no fault of the respondents No. 1 and 2 yet the appellant was given Rs.10,000/- and had signed a receipt. Moreover, even in the DDR

it was recorded that the appellant had mentioned that accident had taken place because a child had come in front of her cycle and she lost her balance.

It was further noticed that PW-2 also stated that she was not in position to deny that accident occurred because a child had come in front of the cycle of the appellant.

In the circumstances, the Tribunal held that the appellant was not got injured due to negligence driving of respondent No.1. Consequently, only awarded her 'no fault' liability.

I have gone through the judgment and findings with the assistance of counsel for respondent No.3 and find that there is no scope for interference. Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

13.8.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No