

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

FAO-2898-1999

Date of decision : 31.10.2018

Smt. Roshni and others

... Appellants

Versus

Satyawan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. U.K.Agnihotri, Advocate
for the appellants.

Mr.Rishab Lohan, Advocate
for respondent no.1.

Mr. Rajneesh Malhotra, Advocate
for respondent no.4-insurance company.

AMOL RATTAN SINGH, J.(ORAL)

By this appeal, the appellants challenge the Award of the learned Motor Accident Claims Tribunal, Jind, dated 04.06.1999, by which the claim petition filed by the appellants, seeking compensation for the death of Bhira, husband of the first appellant and father of the remaining appellants, was dismissed on the ground that it could not be proved that the deceased died as a result of a motor vehicle accident that took place with the vehicle driven by respondent no.1 herein, i.e. by Satywan.

A perusal of the Award of the learned Tribunal shows that the factum of the accident having taken place with the vehicle stated to have been driven by respondent no.1, was disbelieved in view of the fact that the alleged eye witness, one Hari Om, who testified as PW-2, though had stated that he was in fact travelling in the Matador when the accident took place with the cycle on which Dheera was riding, the said witness, despite being a

police official (otherwise off duty), had not even got the number of Matador written in the FIR.

It is also not denied that in the claim petition also, he is stated to have arrived at the spot a little later, with the father of the deceased.

Even assuming, as Mr. Agnihotri, learned counsel for the appellants has submitted, that since the driver of the 'Matador' is stated to have run away in the night, it was not possible for the said witness to have immediately got off a speeding vehicle and given its number, it is difficult to believe that a person who is otherwise a police official, even when he got off the Matador later, knowing that it had caused an accident, would not at the first instance note down its number, even if he had not noticed the number when he had boarded it.

Hence, the inference drawn by the learned Tribunal, to the effect that the said witness had not witnessed the accident and respondent no.1 was subsequently implicated, is not dislodged even before this Court.

Undoubtedly, the appellants are the widow and minor children of the deceased who died on 22.04.1997, and therefore deserve sympathy and aid, however keeping in view the fact that the registration number of the Matador was not even given in the FIR by the aforesaid witness, Hari Om, or the father of the deceased, with Hari Om also being a police official, I find no ground to interfere in the impugned Award.

Consequently, this appeal is dismissed.

(AMOL RATTAN SINGH)
JUDGE

October 31, 2018.

D.K./dinesh