

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

**FAO No. 1480 of 2001
Date of decision:- 20.02.2018**

Smt. Shayama Rani & others

...Appellants

Versus

Randhir Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Praveen Kaushik, Advocate
for the appellants

Mr. Munish Kumar Garg, Advocate
for respondent No. 2

RITU BAHRI J.

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 22.11.2000 passed by the learned Motor Accident Claims Tribunal, Gurgaon (for short, 'the Tribunal') whereby the claim petition filed by the appellants under Section 166 of the Motor Vehicles Act, has been dismissed.

A bare perusal of the impugned award shows that the claim petition of the claimants has been dismissed on the ground that firstly Vinod Kumar was found to be under the influence of liquor and it was because of Vinod Kumar, the accident occurred. Further the report regarding accident was lodged by the driver of the truck wherein he stated that on the night of accident, he was driving the truck and was on National Highway No. 8. His truck developed some defect. He brought the truck on his left side of the road and lighted the indicators and put stones. In the meantime, the maruti car came from the side of Manesar at a high speed and dashed into the truck. Both the occupants of the car died on the spot. The claimants did not examine Randhir Singh-driver of the truck to prove the accident being caused by him. Head Constable in his cross examination stated that

no challan has been filed and the case has gone untraced. The Investigating Officer was also not examined who could prove the exact position of the truck on the spot.

In view of the above factual position, the award dated dated 22.11.2000 passed by the Tribunal does not require any interference by this Court, as the claimants have not been able to prove that the accident had taken place.

The appeal stands dismissed.

February 20, 2018
G Arora

(*RITU BAHRI*)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>