

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

FAO No.5637 of 2002(O&M)

Date of decision: 11.1.2018

Ranjit Kaur

....Appellant

VERSUS

Santosh Rani and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Atul Jain, Advocate for the appellant.

Mr. Navdeep Monga, Advocate for respondents No.1 to 3.

Mr. Varun Mittal, Advocate for

Mr. Vikas Mohan Gupta, Advocate for respondent No.4

Mr. R.N. Singal, Advocate for respondent No.6.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against award dated 20.09.2002 passed by the Motor Accidents Claims Tribunal, Faridkot (in short 'the Tribunal') whereby application for grant of compensation under Section 166 of the Motor Vehicles Act, 1988 (in short 'the Act') on account of death of Amrik Singh in a motor vehicular accident that took place on 07.06.1998, has been dismissed.

Counsel for the appellant has submitted that with regard to occurrence in question, FIR Ex.A2 was got lodged at the behest of Sandeep Kumar, owner of Canter No.RJ-13-G-2578. It is further argued that despite the fact that FIR was registered and the accident took place due to rash and negligent driving of Truck No.HNR-4525 by Sher Singh, Tribunal has seriously erred by dismissing the application for grant of compensation. It is further argued that as drivers of both the vehicles involved in the occurrence died due to sustaining of injuries in the

accident, there was no option with the claimant except to rely upon the FIR for proving her version that accident was caused due to rash and negligent driving of truck in question by Sher Singh.

Counsel representing the respondents have supported findings recorded by the Tribunal on issue No.1 whereby plea of the claimant that accident occurred due to rash and negligent driving by Sher Singh has been negated.

I have heard counsel for the parties, perused the paper-book particularly the award.

Concededly, the claimant has not examined a witness to establish her plea that accident was caused due to rash and negligent driving of truck in question driven by Sher Singh (since deceased) at the relevant time. Counsel would fairly inform that he is unable to lay his hands on a precedent that factum of rash and negligent driving on the part of alleged offending vehicle can be established solely on the basis of First Information Report lodged with the police.

As the claimant failed to adduce satisfactory much less cogent evidence to establish her plea that accident was the result of rash and negligent driving of truck by Sher Singh, the Tribunal has rightly determined issue No.1 against the claimant and as a consequence dismissed the application for compensation.

For the foregoing reasons, the appeal fails and is accordingly dismissed. No order as to costs.

JANUARY 11, 2018

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no