

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

FAO No.1669 of 2008

Date of Decision: 15.05.2018

Tejender Kaur and others

.....Appellants

Vs.

Sukhjeet Singh and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.S.Mamli, Advocate, for the appellants.

RITU BAHRI, J. (ORAL)

Present appeal has been preferred by the owner of the offending vehicle (for short 'the appellant'), against award dated 11.10.2007, passed by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') vide which the claimant/petition filed by the appellants has been dismissed.

The learned Tribunal has held that claim/petition on the ground that first intimation regarding the accident was given by Balkar Singh and thereupon PW2 Rupinder Pal Singh alongwith Sukheet Singha and Lumxi Chandi etc. had reached the spot. Jasbir Singh Sarpanch had already lodged the report with the Police. Zile Singh ASI had also arrived, who inspected the spot. None of these witnesses were produced. The motor cycle must have been damaged and the police might have taken the same into possession. Neither any damage report of the motor cycle nor any documents of the police were placed on the record, which could connect the contents of the FIR with the place of accident or involvement of the

motorcycle. The only evidence available on the file was the statement of PW2 Rupinder Pal Singh. He was not an eye witness. He got recorded the FIR on the basis of hearsay evidence as the information about the accident was given to him by Balkar Singh, who was not examined. The statement of Rupinder Pal Singh is self serving as he is an uncle of the deceased and the alleged motor cycle involved in the accident was owned by the real brother of the deceased. No independent evidence was produced. Since the involvement of the motorcycle could not be proved and keeping in view the claimant himself was borrowed the vehicle from the owner, as such claimant petition has been dismissed.

In view of the above, the orders of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

(RITU BAHRI)
JUDGE

15.05.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No