

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

**FAO No.2264 of 2008 (O&M)
Date of Order: 17.07.2018**

Daljit Kaur and others

..Appellants

Versus

Hardev Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.K.Garg., Advocate,
for the appellants.

Ms. Anita Balyan, Advocate,
for respondent nos.1 and 2.

Mr. Nirmaljeet Singh Sidhu, Advocate,
for respondent no.3.

Mr. Inderjit Sharma, Advocate,
for respondent no.4.

ANIL KSHETARPAL, J(Oral)

This appeal has been filed against the award passed by the learned Motor Accident Claims Tribunal, whereby the claim petition was ordered to be dismissed.

An accident took place between the truck and mini bus. Claimants are legal heirs of deceased Gurmeet Singh @ Kaka, driver of the mini bus. It is not disputed that immediately after the accident, conductor of the truck Lachhman Singh had lodged an FIR against deceased Gurmeet Singh @ Kaka, driver of the bus.

In order to prove the rash and negligence driving, claimants have examined PW2 and PW3 namely, Balwinder Singh and Ranjit Singh.

Statements of both the witness have not been believed by the court after giving cogent reasons. Presence of Lachhman Singh, the conductor of the truck who has been examined as RW3, has been found to be more reliable.

Since the claimants failed to prove that the accident took place due to rash and negligent driving of respondent no.1, therefore, the claim petition was ordered to be dismissed. The award passed by the learned Tribunal is on after appreciation of evidence and learned Tribunal has arrived at a conclusion after critical appraisal of the evidence available on the file. Such appraisal of the evidence by the learned Tribunal was not shown to be erroneous by learned counsel for the appellants.

In view thereof, there is no good ground to interfere.

The appeal is dismissed.

July 17, 2018
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No