

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO No. 4763 of 2014

Date of Decision: 20.02.2018

Savita and Others

....Appellants

V/S

Ashok Kumar and Anr

....Respondents

**BEFORE: HON'BLE MS. JUSTICE RITU BAHRI**

Present : Mr. Ajit Kumar, Advocate, for  
Mr. Ram Darshan Yadav, Advocate,  
for the appellants.

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**RITU BAHRI, J.(Oral)**

This appeal has been filed by the claimants-appellants against the award of Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'the Tribunal') dated 06.03.2014, whereby claim petition filed by the claimants/appellants has been dismissed by the Tribunal.

Brief facts of the case are that on 15.01.2011 at about 8.30 p.m. Sonu (since deceased) was going from his village Ahadmadpur Partal towards Palhawas on a motorcycle and when he reached near Shaidpur Chang towards Palhawas, the offending vehicle came from Gudiyani side in rash and negligent manner and at high speed and gave direct dash to Sonu and ran away towards Palhawas. Sonu became unconscious at the spot and was brought to General Hospital, Rewari where he was declared dead. This Accident was caused due to negligent of the driver of the offending vehicle No.HR-47B-8902. In this regard, an FIR No. 6 dated 15.01.2011 against respondent No. 1 for the offence under Sections 279 and 304 -A IPC at

Police Station Rohari.

Consequently, claimants-petitioners filed a claim petition before the Tribunal.

From the pleadings of the parties, the following issues were framed:

1. Whether Sonu died in a vehicular accident that took place due to rash and negligent driving of offending vehicle bearing registration No. TATA 407 HR 47 B-8902 by respondent No. 1, as alleged in the petition? OPP
2. If issue No. 1 is proved, whether the petitioners are entitled to compensation? If so to what amount? OPP.
3. Whether respondent No. 1 was not holding a valid and effective driving licence on the date of accident ? If so its effect? OPR.
4. Relief.

In view of the fact that petitioners have not led cogent evidence to connect the vehicle in question with the accident in which Sonu lost his life, the petitioners have failed to prove that the accident took place due to rash and negligent driving on the part of respondent No. 1. On the basis of evidence produced by both the parties, Tribunal dismissed the claim petition of the petitioners.

Feeling dissatisfied with the findings of the Tribunal, appellant filed the present appeal.

I have heard learned counsel for the parties and perused the record.

A perusal of the award shows that, PW 2 Shiv Charan, who was the sole eye witness of the accident which took place on 15.01.2011,

whereas copy of challan Ex. P5 shows that statement of Shiv Charan was recorded on 14.11.2011 i.e. after 10 months of the accident. The number of vehicle that allegedly caused the accident has been disclosed for the first time in the statement of PW2 recorded before police on 14.11.2011 regarding the accident took place on 15.01.2011 and prior to this, neither the number of the offending vehicle nor the name of the driver was disclosed. However, PW 2 Shiv Charan who was the sole eye witness, has come on 14.11.2011 i.e. after 10 months of the accident and even before neither any FIR was got registered nor any site plan was prepared.

Keeping in view the above said facts and circumstances, the order of the learned Tribunal does not reflect any material irregularity or perversity which warranting interference of this Court. Hence the present appeal stands dismissed.

20.02.2018  
Riya Grover

(RITU BAHRI)  
JUDGE

*Whether speaking/reasoned* Yes  
*Whether reportable* No