

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

**FAO No.3953 of 2015**

**Date of decision: 13.03.2018**

Kamla Devi and another

....Appellants

Versus

Surinder Singh and others

....Respondents

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

Present: Mr.Arihant Jain, Advocate, for the appellants.

Mr.Pulkit Dagar, Advocate, for

Mr.Rajesh Lamba, Advocate, for respondents No.1 and 2.

Mr.Sanjeev Goyal, Advocate, for respondent No.3.

**RITU BAHRI J. (Oral)**

This appeal has been filed by the claimant-appellants seeking compensation as the claim petition has been dismissed by Motor Accident Claims Tribunal, Palwal (hereinafter referred to as 'the Tribunal') vide award dated 06.04.2015 on account of death of Ravinder Tewatia in a motor vehicular accident which took place on 12.04.2014.

On 12.04.2014 Gajraj alongwith his cousin Ravinder Tewatia (since deceased) was going on motor-cycle Hero Honda Hunk bearing Registration No.HR 72 2496 to Grain Market, Dhatir to serve meal to his uncle Bal Kisha. When they reached near Yadav Farm at village Jaindpur, Palwal, in the meantime a tractor bearing No.HR 26 AK 8032 being driven by respondent No.1 in a rash and negligent manner came and hit their motor-cycle. Resultantly, Ravinder Tewatia who was on the pillion seat of the motor cycle sustained multiple grievous injuries and died on account of the injuries sustained in the accident in question. The matter was reported to the Police and a case vide FIR No.192 dated 12.04.2014 for the offence under Sections 279, 337 & 304A IPC was registered against respondent No.1 in Police Station Sadar, Palwal.

The claim petition of the applicants/appellants has been dismissed by the learned Tribunal on the ground that the FIR Ex.P12 reveals that the registration number of the vehicle in question and the same of the driver have not been disclosed therein. Even the type/kind

of vehicle had not been disclosed. It has been simply mentioned that some unknown vehicle hit their motor-cycle from behind. But when PW4 Gajraj appeared in the witness box had stated in his cross-examinatin that he disclosed regarding cause of injuries as road traffic accident as well as about the offending vehicle to be a tractor-trolly. The registration number was noted down by him at the spot itself and the name of the driver is Surender which also came to his knowledge at the spot itself as he was already known to him because he was resident of neighbouring village. Thus, when the registration number of the vehicle and the name of the diver was known to PW4 Gajraj at the time of accident why he did not disclose the same to the Police. PW-4 Gajraj disclosed that the registration number of the vehicle and the name of respondent No.1 to the police in his supplementary statement recorded on 13.03.2014. PW-4 Gajraj even did not disclose the type/kind of vehicle in his statement made to the police. He and the deceased were riding the motor-cycle but surprisingly Ravinder Tewatia received such serious injuries which resulted in his death and PW-4 Gajraj did not receive even a scratch. The applicants have thus, failed to prove that the accident took place with the tractor bearing registration No.HR 26 AK 8032.

So in view of the above, the orders of the Courts below do not reflect any material irregularity or perversity which warranting interference. Hence the present appeal stands dismissed.

**(RITU BAHRI)**  
**JUDGE**

**15.05.2018**  
anil

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