

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

**FAO No. 4148 of 2015
Date of decision:- 23.02.2018**

Parveen Kumar and others ...Appellants

Versus

Vikram and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. B.S. Tewatia, Advocate
for the appellants

RITU BAHRI J.

1. The present appeal has been preferred by the claimants-appellants (for short 'the appellants'), against award dated 07.02.2015 passed by the learned Motor Accident Claims Tribunal, Palwal (for short, 'the Tribunal') whereby the claim petition filed by the appellants under Section 166 of the Motor Vehicles Act, has been dismissed.

A bare perusal of the impugned award shows that the claim petition of the claimants has been dismissed on the ground that the claimants have not been able to prove the death of Poonam due to rash and negligent driving of the offending driver. The name of the driver of the offending vehicle and its registration number were not known to the lodger of the F.I.R i.e P.W.2 Brijesh at the time when F.I.R was registered. During cross examination P.W.2 Brijesh admitted that the driver of the vehicle had run away along with his vehicle and that he had not seen either the driver or noted down its registration number. The same had come to his knowledge 10-12 days of the accident through the police. Further he stated that his statement was never recorded by the police. He further did not explain as to which official disclosed the registration number of the offending vehicle to him or that he had identified that vehicle at any subsequent stage. No material was proved by claimants to show that any criminal case was registered

against respondent No. 1 at any stage or he was facing trial with regard to the accident in question. P.W.3 Parveen Kumar during his cross examination also admitted that he also had not witnessed the accident. Further in the claim petition, it was admitted that the deceased was waiting for husband to come at police station Camp Palwal to fetch her, then how came P.W.2 submitted an F.I.R that he had been called upon by the deceased to fetch her and reached at the spot, has not been explained. R.W.1 ASI Ram Jiswan who conducted the investigation, had disclosed the vehicle number or name of the driver to him and no supplementary statement of the complainant was recorded by him. He stated that no one else had told him at the spot that he had seen the accident.

In view of the above factual position, the award dated 07.02.2015 passed by the Tribunal does not require any interference by this Court, as the claimants have not been able to prove that the accident had taken place. Further no criminal case was registered against respondent No. 1 at any stage. Thus, the claimants have failed to connect the vehicle in question with the death of Poonam.

Dismissed.

February 23, 2018
G Arora

(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No