

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

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**FAO No.1346 of 2017 (O&M)
Date of Decision : 04.07.2018**

Kesar Singh

..... Appellant

Versus

Kulvinder Singh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

AJAY TEWARI, J. (Oral)

This appeal has been filed against the award dated 14.10.2016 passed by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri.

By the award claim petition under Section 163-A of the Motor Vehicles Act, 1988 (for short the Act) had been decided.

The primary ground taken by the learned counsel is that the Court below has wrongly exonerated respondents No.2 & 3. He has argued that the Court below wrongly disbelieved the testimony of PW-3 regarding the involvement of respondent No.2. In this case PW-3 was the eye witness who had lodged the FIR. In the FIR he had made a categorical statement that the accident had taken place because respondent No.1 was driving his three wheeler at high speed and very negligently and carelessly. On account of that his three wheeler had turned turtle and after turning turtle had hit the stationary car of respondent No.2. In his deposition before the Court he

During his cross examination he first denied that in the FIR he had levelled the entire blame on respondent No.1 but later on when he was confronted with the FIR he accepted that he had got that recorded and further deposed that when he had given his statement to the police (which led to the FIR) he was under no pressure. It seems that it was in these circumstances that PW-3 had improved his statement after it had come to the light that infact the vehicle of respondent No.1 was not insured.

Learned counsel has taken me through the entire testimony of PW-3. I also have come to the conclusion that he has not been able to explain why and in what circumstances he gave a different account in the FIR than what he stated in the Court. Consequently the finding of the Tribunal that respondent No.2 is not guilty is confirmed. Learned counsel has then argued that there is a scope for enhancement. I however find that the compensation has been correctly computed under Section 163-A of the Act. I find that correct parameters have been applied and the amount of Rs.4,03,000/- has been awarded.

In the circumstances, I find no ground to interfere.

Appeal stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

04.07.2018

Pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No