

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-.-

FAO 4049 of 2017 (O&M)
Date of decision: 13.12.2018

Satnam Singh and another

.....Appellants

versus

Satwinder Kaur and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present : Mr. Jaideep Verma, Advocate
for the appellants

-.-

Rekha Mittal, J. (Oral)

The driver and owner of offending vehicle No. HR 38G 9321 are in appeal against award dated 03.03.2017 passed by the Motor Accidents Claims Tribunal, SAS Nagar (Mohali).

Counsel for the appellants would argue that the appeal has been preferred primarily to challenge findings of the Tribunal on issue No. 1 wherein rashness and negligence have been attributed to Satnam Singh, appellant No. 1. To bring home his contention, it is argued that Satnam Singh appeared in the witness box but there is no reference to his testimony wherein he denied the offending vehicle being involved in the accident and that he was falsely implicated in the case at the instance of the claimants.

Counsel for the appellants, in response to a query, would inform that criminal trial on the basis of FIR lodged at the behest of Balwinder Singh (PW4) has culminated in judgment of conviction.

Balwinder Singh, an alleged witness to the occurrence, being driver of

Motor cycle bearing No. PB 65Y 7976 on which Manbir Singh (since deceased) was a pillion rider was examined. The Tribunal has noticed that Balwinder Singh was cross examined at length but counsel for the respondents before the Tribunal has failed to extract any material which can be of help either to shatter his testimony or disprove the fact qua negligence of respondent No. 1.

Indisputably, Satnam Singh, driver of offending vehicle was involved in criminal case for the occurrence in question that has culminated in his conviction. In the given circumstances, Satnam Singh has every reason to deny that the accident was caused by him in order to escape his civil as well as criminal liability. There is nothing on record suggestive of the fact that Balwinder Singh had at any animosity against Satnam Singh to get him falsely involve in criminal proceedings. In this view of the matter, I do not find an error much less illegality in findings of the Tribunal on issue No. 1 that would call for intervention. This apart, the applicants/appellants have not complied with provisions of Section 173 of the Motor Vehicles Act, 1988 as they have not deposited statutory amount of Rs.25,000.00.

No other point has been raised.

For the foregoing reasons, the appeal fails and is accordingly dismissed in limine.

(Rekha Mittal)
Judge

13.12.2018
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