

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

**FAO No.1359 of 2019 (O&M)
Date of decision: 17.10.2019**

Radha

....Appellant

Versus

Ajay and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Lather, Advocate,
for the appellant.

RITU BAHRI J. (Oral)

This appeal has been filed against the Award dated 03.12.2018 passed by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as 'the Tribunal') dismissing the claim petition filed by the claimant-appellant seeking compensation on account of injuries received by her in a motor vehicular accident which took place on 21.06.2014.

Brief facts of the case are that on 21.06.2014, at about 10.30 A.M., Radha-appellant along with her husband-Sanjay and Sumit was going from Jind towards the house of sister of Sanjay on a motorcycle No. HR-BR-IV-4673. The said motorcycle was being driven by the husband of claimant. When they reached near Bhiwani Road, Jind, all of sudden, a motorcycle No.HR-32-B-2224 being driven by Ajay-respondent No.1 in a rash and negligent manner, came and struck against the motorcycle of claimant, a a result of which, claimant-appellant along with Sumit and Sanjay fell down and sustained injuries. They were taken to Government

Hospital, Jind, however, due to critical condition, claimant-appellant was referred to PGIMS, Rohtak. With regard to the accident, FIR No.547 dated 29.06.2014, under Sections 279/337 IPC was registered against respondent No.1. Consequently, claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal came to a conclusion that claimant has failed to prove that respondent No.1 was driving the offending motorcycle at the time of accident and returned finding on issue No.1 against the claimant and in favour of the respondent(s). With these observations, the claim petition filed by claimant-appellant was dismissed. Hence, this appeal.

Heard. A perusal of the impugned award shows that after the accident, FIR No.547 dated 29.06.2014 was registered at Police Station, Jind, on the basis of statement of claimant. This FIR was against respondent no.1. However, vide judgment Ex.R1 the Juvenile Justice Board, has acquitted respondent No.1 by observing that identity of respondent No.1 had not been proved. Hence, he was given the benefit of doubt. Another aspect considered was that before the Tribunal, claimant had made an application dated 29.04.2016 for impleading the owner as well as insured of the offending vehicle. She had also moved another application dated 09.02.2016 for amendment of the petition. However, both the applications were withdrawn by the claimant on 16.05.2017 for the reasons best known to her.

After hearing learned counsel for the appellant and going through the impugned award, it is apparent that claimant has failed to lead any substantial evidence to prove her case. Since owner and insurer of the

offending vehicle have not been impleaded as party and driver has been acquitted, the claim petition has been rightly dismissed by the Tribunal after appreciating evidence in the right perspective. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

17.10.2019
ajp

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No