

FAO No.1947 of 1996

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

FAO No.1947 of 1996
Date of decision: 05.09.2019

Gurpreet Kaur and others

.....Appellants

versus

Pritam Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. P.S. Brar, Advocate, for the appellants.
Mr. A.S. Brar, Advocate, for respondent No.1.
Mr. Neeraj Khanna, Advocate,
for Mr. Deepak Suri, Advocate, for respondent No.3.

RAMENDRA JAIN, J. (ORAL)

Unsuccessful appellants-claimant being widow, minor daughters and mother of deceased Karnail Singh, have filed instant appeal against award dated 08.01.1996 of the Motor Accident Claims Tribunal, Faridkot (in short 'the Tribunal'), dismissing their claim petition under Section 166 of the Motor Vehicles Act, 1988 (in short 'the Tribunal').

Briefly, on 06.09.1990 maruti van bearing registration No.PAD-85 driven by deceased Karnail Singh and tractor bearing registration No.PBF-9002, driven by respondent No.1 dashed against each other. Resultantly, both the vehicles aforesaid caught fire. Nearby people extinguished fire, throwing sand from a trolley. Karnail Singh ablazed in the fire caught by his van, which finally reduced into ashes and died therein.

Appellants-claimant, with these broad submissions and alleging rash and negligent driving of respondent No.1 filed claim petition under Section 166 of the Act. The same after holding trial was dismissed vide

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impugned award dated 08.01.1996.

Learned counsel for the appellants *inter alia* contends that learned Tribunal did not illegally rely upon unrebutted statement of PW1 Gurdev Singh, that accident which resulted into death of Karnail Singh had occurred on account of sole negligent driving of respondent No.1. Learned Tribunal was required to award compensation to the appellants believing statement of Gurdev Singh.

On the other hand, learned counsel for the respondents refuting above submissions, pleaded legality and validity of the impugned award.

Having given thoughtful consideration to the rival submissions, this Court is not inclined to differ with the findings of the Tribunal inasmuch as statement of PW1 Gurdev Singh has rightly been disbelieved by the Tribunal on account of his not reporting the matter ever to the police. He was not even cited as a prosecution witness by the police. FIR (Ex.PA/2) in the instant case was registered by respondent No.2 against deceased Karnail Singh contending that accident had occurred on account of his gross negligent driving. Appellants miserably failed to contradict contents of FIR by producing any rebuttal to the same. Therefore, it is apparent on the record that there was no *iota* of evidence on the record to show that respondent No.1 was responsible for causing accident in question. Thus, in the absence of any corroborative evidence, statement of PW1 Gurdev Singh has rightly been discarded.

In view of above, this Court is not inclined to differ with the award of the Tribunal.

Dismissed.

However, appellants-claimant are held entitled to ₹50,000/-

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under Section 140 of the Act under the head of “no fault liability”, which shall be deposited by respondent No.3 – Insurance Company before the Tribunal along with interest at the rate of 7.5% per annum from the date of filing claim petition till realization within one month from today, for onward disbursement of the same to the appellants in proportion so to be arrived at by the Tribunal in accordance with law against proper receipt and identification, failing which respondent No.3 – Insurance Company shall be liable to pay interest at the rate of 15% per annum.

(Ramendra Jain)
Judge

September 05, 2019
R.S.

Whether speaking/reasoned Yes/No

Whether reportable Yes/No