

203
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1431-2001 (O&M)
Date of decision : 4.4.2019

Priya Jolly @ Tinku

..... Appellant

Versus

Rita Bablani and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. G.S. Jaswal, Advocate for the appellant.

Mr. Vinod Chaudhari, Advocate for respondent No. 3.

KULDIP SINGH, J.

Appellant-claimant is aggrieved by the order dated 15.1.2001, passed by Motor Accident Claims Tribunal, Rupnagar vide which claim petition filed by the appellant-claimant was dismissed.

It is the case of the appellant that on 23.8.1995, he along with Ranjit Singh @ Bittu was riding a three wheeler bearing No. PB-12-A-8822 and was coming from Morinda to Gharaun. At about 10.30 A.M. when they were at a small distance from Gharaun, a maruti car came from Morinda side and hit the three wheeler. As a result of the said accident, appellant-Priya Jolly @ Tinku and Ranjit Singh @ Bittu along with the three wheeler fell in the ditches. Appellant received injuries on the head. He was taken to PGI by Ranjit Singh. It is claimed in the claim petition that Car bearing No. CHK-8500 owned by respondent No. 1-Rita Bablani was involved in the accident.

In the reply, respondent No. 1 denied the involvement of the car. United Insurance Company also denied the liability.

From the pleadings following issues were framed: -

- '1. Whether claimant Priya Jolly @ Tinku sustained injuries in an accident on 23.8.1995 caused by respondent No. 1, while driving Car No. CHK-8500 rashly and negligently? OPA.*
- 2. Whether respondent No. 1 was not holding a valid driving licence at the time of alleged accident, if so, it effect? OPR.*
- 3. Whether the claimant is entitled to receive compensation? If so, to what extent and from which of the respondents? OPA*
- 4. Relief.'*

Motor Accident Claims Tribunal came to the conclusion that involvement of Car No. CHK-8500 is not proved. It was hit and run case. Therefore, the claim petition against the respondents was dismissed.

I have heard, learned counsel for both the parties and have carefully gone through the case file.

A perusal of the lower Court file shows that FIR was lodged by Ranjit Singh on the next date, i.e. 24.8.1995 at 1.20 P.M. In the FIR, it is stated that a maruti car of white color is involved in the accident. The number of the car is not mentioned. It has also come during the evidence that after registering the case, police investigated the matter and found that car No. CHK-8500 is not involved in the accident. Hence, untraced report was filed. Therefore, the heavy burden was on the claimant-appellant to prove that said car is involved in the accident. Except the statement of Ranjit Singh, who had failed to mention the number of the car in the FIR, there is no other evidence to show that Car No. CHK-8500 owned by respondent No. 1 was involved in the accident.

It being so, no award could be passed against the owner and Insurance Company of the Car.

Consequently, I do not find any illegality or infirmity in the impugned order dated 15.1.2001, passed by Motor Accident Claims Tribunal, Rupnagar.

Dismissed.

(KULDIP SINGH)
JUDGE

4.4.2019
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No