

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

F.A.O No. 1994 of 2007

Date of decision:- 26.08.2019

Mahesh Kumar

...Appellant

Versus

Vijay Pal and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : Mr. Sudhir Aggarwal, Advocate
for the appellant.

Mr. R. C. Gupta, Advocate
for respondent No. 3.

RITU BAHRI J. (Oral)

The present appeal is against award/order dated 06.03.2007 passed by the learned Motor Accident Claims Tribunal, Gurgaon whereby the claim petition filed by the claimant-appellant under Section 166 of the Motor Vehicle Act, 1988, has been dismissed.

In the paper book, the copy of award is not clear and thus, the the copy of the award has been taken from learned counsel for the appellant for disposal of the case. The copy of award is taken on record as Annexure A-1. A bare perusal of the award shows that the claim petition has been dismissed as no report regarding the accident was loaded with the police party by the appellant. The appellant is saying orally only that the accident was caused by respondent No. 1 while driving the bus in a rash and negligent manner. The claim petition has been held to be filed by the petitioner in collusion with respondent Nos. 1 and 2 as both of them have not denied specifically the factum of causing the bus accident by respondent No. 1 while driving the bus in a rash and negligent manner.

Learned counsel for the appellant has not been able to show from the record that the accident has been caused by respondent No. 1 on account of rash and negligent driving.

After going through the order passed by the Tribunal, this Court is of the view that the claim petition has rightly been dismissed as the appellant has filed the claim petition under Section 166 of the Motor Vehicles Act and it was necessary for the appellant to prove on record the negligence of the driver. No report regarding the accident was lodged by the appellant.

In view of the above factual position, order dated 06.03.2007 passed by the learned Motor Accident Claims Tribunal, Gurgaon does not suffer from any infirmity or misreading of evidence.

The appeal stands dismissed.

August 26, 2019
G Arora

(*RITU BAHRI*)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No