

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

F.A.O No. 2444 of 2006

Date of decision:- 25.07.2019

Champa Devi and anr.

...Appellants

Versus

Virender Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present : None for the appellants.

Mr. R. K. Bashamboo, Advocate
for respondent No. 3.

RITU BAHRI J. (Oral)

The present appeal is against award/order dated 28.11.2005 passed by the learned Motor Accident Claims Tribunal, Rewari whereby the claim petition filed by the claimants-appellants under Section 166 of the Motor Vehicle Act, 1988, has been dismissed.

As per claimants, on 23.11.2002 at about 6:15/6:30 P.M, Suraj Singh and Ram Chander were coming from Gothra Power House on scooter bearing registration No. HR-36-A/7072. When they reached near Govindpuri Tiraha on Narnaul Rewari road, a truck was seen coming from Rewari side and its head lights were on and were glaring. The scooterists brought their scooter on the left side, however, a truck bearing registration NO. HR-38-B/4939 was also parked on the road on the left side without its back lights or indicators switched on. The above scooter collided with the above said stationery truck and both the scooterists sustained injuries in the accident.

The learned Tribunal dismissed the claim petition filed by the appellants on the ground that firstly the accident took place on 23.11.2002

whereas FIR No. 192 dated 07.12.2002 under Sections 283/304-A IPC Ex PW5/A was registered at the instance of P.W.5 Ram Chander on 07.12.2002 i.e after a delay of 14 days. The only explanation given for delay in lodging the F.I.R was that the informant could not report the matter to the police earlier because of being under shock due to death of Surat Singh. Further from the testimony of P.W.5 Ram Chander, the other vehicles were also passing at the site of accident and the road had not been obstructed at all.

After going through the order passed by the Tribunal, this Court is of the view that the claim petition has rightly been dismissed as firstly there was a delay in lodging the F.I.R. Further there was discrepancy found in the testimony of P.W.5 Ram Chander who has to prove the rashness and negligence on the part of respondent No. 1. While deposing as P.W.5, he deposed that the above said truck was parked in the middle of the road but during cross examination, he admitted that in F.I.R he had got recorded that this truck was parked by the side of the road.

In view of the above factual position, order/award dated 28.11.2005 passed by the learned Motor Accident Claims Tribunal, Rewari does not suffer from any infirmity or misreading of evidence.

The appeal stands dismissed.

July 25, 2019
G Arora

(*RITU BAHRI*)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No