

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

FAO No. 3756 of 2009

Date of decision: 19.09.2019

Jagdish Lal (deceased) through LRs

...Appellant

V/s.

Balbir Singh @ Beera and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Chander Shekhar, Advocate for the appellant.

None for the respondents.

RITU BAHRI, J. (Oral).

The claimant has come up in appeal against the award of the tribunal dated 02.04.2009 whereby his claim petition under Section 166 of the Motor Vehicles Act 1988 has been dismissed.

The claim petition has been dismissed on the ground that as per the claimant, the accident took place on 28.11.2007 and FIR was registered on 01.12.2007. As per the deposition of PW2-Nar Singh son of the claimant, he was going to his shop from his house and his father was on a separate bicycle. In cross examination this witness admitted that he is illiterate and so his father. He further admitted that none of them has gone to police station till 01.12.2007. He admitted that because of heavy crowd on the road, the vehicles were being plied at slow speed. He further admitted that his father was not doing anything and used to reside at house due to old age and bad health. He admitted that he knew Balbir Singh the driver of the vehicle from childhood. The FIR was registered against the unknown vehicle and ruqa was sent by the doctor that accident was caused

by unknown vehicle. Keeping in view that Nar Singh son of the claimant knew driver Balbir Singh since childhood, this information could have been given at the time when he admitted in the hospital as well as in the FIR. Since the important link is missing to co-relate the vehicle, claim petition has been rightly dismissed.

Appeal is dismissed accordingly.

(RITU BAHRI)
JUDGE

19.09.2019

Divyanshi

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