

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

FAO No. 4462 of 2012

Date of decision:- 29.11.2019

Paramjit Kaur and ors.

...Appellants

Versus

Prem Dass and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vipin Mahajan, Advocate for the appellant.

Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate
for respondent No. 3/Insurance Co.

RITU BAHRI J. (Oral)

The present appeal has been preferred by the appellants (for short 'the appellant'), against award dated 28.03.2012 passed by the learned Motor Accident Claims Tribunal, Gurdaspur (for short, 'the Tribunal') whereby claim petition filed by the appellants was rejected.

The claimants have stated that the accident took place on 25.05.2007 when the deceased Baldev Singh was going to his village on scooter bearing No. PB-18-D-5954 and suddenly the car bearing NO. PB-10-BH-8530 suddenly applied its brake and the deceased who was following the car struck his scooter with the door of the car. F.I.R No. 49 dated 25.05.2007 was registered with P.S. Ghuman.

The Tribunal after going through the evidence led by the parties, dismissed the claim petition as there were contradictory facts in the claim petition. F.I.R was registered on the statement of C.W.2 Sahab Singh who deposed that the deceased was hit by one motorcycle mark TVS without number being driven by one Nishan Singh. But this Sahab Singh

thereafter, changed his version and the car was involved in the accident. The statement of this witness was held to be doubtful as the deceased was also son of his maternal uncle. So, this witness was held to be interested witness.

There was one another eye witness i.e C.W.4 Rajwinder Singh of the accident. But the presence of this witness has nowhere been mentioned in the F.I.R

After hearing learned counsel for the appellant at length and after going through the award passed by the Tribunal, the present appeal deserves to be dismissed, as firstly Nishan Singh was not made as party in the claim petition and secondly there was contradiction in the statement of the witnesses. The presence of Sahib Singh also appears to be doubtful.

Keeping in view the above fact, the present appeal is dismissed being devoid of any merits.

29.11.2019
G Arora

(***RITU BAHRI***)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No