

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

206

FAO No. 3295 of 2013 (O & M)
Date of Decision : 22.4.2019

Kamlesh Kaur and others**.....Appellants****v.****Manpreet Singh****.....Respondents****CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present : Mr. Jaideep Verma, Advocate, for the appellants

Mr. Pawan Kumar Suri, Advocate, for
Mr. R.S. Chauhan, Advocate, for the respondent

AVNEESH JHINGAN, J. (Oral)

The award dated 11.6.2012 passed by Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal') has been assailed in appeal by the claimants being aggrieved by dismissal of the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act').

The facts in brief are that a motor vehicular accident took place on 8.3.2009. Manjit Singh @ Mani alongwith Satnam Singh and Jangno @ Jugno were riding scooter bearing registration No. PB-12-F-1721. The other vehicle allegedly involved in the accident was a bus bearing registration No. PB-10-C-6965 (hereinafter referred to as 'offending vehicle'). In the accident, all three riders of the scooter died. FIR No. 23 dated 9.3.2009 was registered at Police Station Chamkaur Sahib.

In the claim petition filed by the legal representatives of Jugno under Section 166 of the Act, in order to prove the involvement and rash and

negligent driving of the offending vehicle, Dalwinder Singh, PW-1, filed an affidavit. The Tribunal dismissed the claim petition opining that PW-1 Dalwinder Singh was not an eye witness to the accident.

Learned counsel for the appellants relied upon an award passed in MACT Case No. 38/13.11.2009/9.6.2012, whereby the claim petition arising out of the same accident filed by the legal representatives of Manjit Singh @ Mani, was allowed. The deposition of Dalwinder Singh was accepted. Learned counsel states that the said award has not been challenged by the respondents. The grievance raised is that contradictory findings have been recorded with regard to the same accident in two different awards.

Learned counsel for the respondent could not raise a dispute that in two separate claim petitions arising out of the same accident, contradictory findings have been recorded by the Tribunal with regard to the evidence of Dalwinder Singh.

Without expressing any opinion on the merits of the case, the matter is remitted back to the Tribunal to be decided afresh in accordance with law.

Parties are directed to appear before the Tribunal on 28.5.2019.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

22.4.2019

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No