

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

-.-

FAO 262 of 2015 (O&M)

Date of decision: 22.05.2019

Iqbal and another

.....*Appellants*

Versus

Wahida and others

.....*Respondents*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Barjinder Singh, Advocate
for the appellants

-.-

Rekha Mittal, J. (Oral)

The present appeal directs challenge against award dated 31.03.2014 passed by the Motor Accidents Claims Tribunal, Mewat (in short, 'the Tribunal') whereby application for grant of compensation on account of injuries sustained by Iqbal *alias* Mohd. Iqbal and Patram in a motor vehicular accident that took place on 03.09.2010 has been dismissed.

Counsel for the appellants, in response to order dated 21.05.2018, has produced certified copy of judgment dated 09.04.2015 passed in criminal case titled 'State vs Nasir son of Jakir' whereby Nasir was acquitted of the offences charged against him.

Counsel for the appellants has failed to advance any meaningful arguments to assail findings of the Tribunal when otherwise, Nasir, driver of offending vehicle has also been acquitted in criminal case.

This Court is not oblivious of the fact that acquittal of driver in a criminal

case may not be a consequence for dismissing the claim petition if there is sufficient evidence to prove involvement of the alleged offending vehicle and accident being the result of rash and negligent driving of the said vehicle. Keeping in view the above, I do not find any reason to differ with findings recorded by the Tribunal.

In view of what has been discussed hereinabove, the appeal fails and is accordingly dismissed. As the appeal has been decided on merit, applications for condonation of delay in filing as well as re-filing the appeal are of academic relevance.

(Rekha Mittal)
Judge

22.05.2019

Mohan Bimbura

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