

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

**FAO No.425 of 2015 (O&M)
Date of decision: 18.10.2019**

Manjeet Kaur and others

....Appellants

Versus

Ambala Bus Syndicate and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Bali, Advocate,
for the appellants.

Mr. Rohit Kapoor, Advocate,
and Mr. Karandeep Singh, Advocate,
for respondent No.1.

RITU BAHRI J. (Oral)

CM No.1112-CII of 2015

In view of the averments mentioned in the application, same is allowed and delay of 674 days in filing of the appeal is condoned.

FAO No.425 of 2015

This appeal has been filed against the Award dated 15.10.2012 passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'the Tribunal') dismissing the claim petition filed by the claimant-appellants seeking compensation on account of death of Baldev Singh in a motor vehicular accident which took place on 11.03.2010.

Brief facts of the case are that on 11.03.2010, at about 7.00 P.M., Baldev Singh (since deceased) after crossing the culvert near Bus Stand, Daon Majra, was standing on the left side of road. In the meantime,

one bus belonging to Ambala Bus Syndicate bearing No.PB-12-J-0109, being driven by respondent No.2-Ravinder Singh in a rash and negligent manner, came from the side of Kharar and struck against Baldev Singh, as a result of which, he received multiple injuries. He was taken to Civil Hospital, Kharar, where he was declared dead. With regard to the accident, FIR Ex.PW3/A was registered against respondent No.1 on the statement of Baljinder Singh. Consequently, claimant-appellant filed a claim petition before the Tribunal.

On the basis of evidence led by the parties, the Tribunal has observed that FIR Ex.PW3/A was got lodged by Baljinder Singh (PW-2) and in his cross-examination, he had admitted that police had registered the FIR on his statement. In his statement, neither he disclosed registration number of the offending bus nor name of the driver. He further stated that it was a red coloured bus belonging to Ambala Bus Syndicate. At the same time, he did not get recorded colour of bus in the FIR. He further admitted that in the application moved to the Senior Superintendent of Police, registration number of the bus and name of the driver was not mentioned. Raghvir Singh (PW-3), who is one of the eye witnesses, also admitted, in his cross-examination that in the application moved to the Senior Superintendent of Police, registration number of the bus and name of the driver had not been mentioned and he did not know the name of driver and registration number of the bus till date. He further admitted that application Ex.PW3/1 was moved by him on the asking of Baljinder Singh. Keeping in view the aforesaid admissions made by both the witnesses, version of claimant has been disbelieved by the Tribunal.

Learned counsel for the appellants, on instructions, has

informed that no further action has been taken by the police in FIR No.100 dated 12.03.2010. Neither the cancellation report nor challan has been prepared so far.

After hearing learned counsel for the appellant and going through the impugned award, it is apparent that claimants have failed to lead any substantial evidence to prove that the accident in question had been caused by driver (respondent No.2) while driving the offending vehicle in a rash and negligent manner. Witnesses examined by the claimants could not prove the negligence of driver of offending vehicle. After going through the impugned Award, this Court is of the view that in the absence of any cogent and convincing evidence, the Tribunal has rightly dismissed the claim petition. No ground is made out to interfere therein.

Resultantly, finding no merits, present appeal is dismissed.

(RITU BAHRI)
JUDGE

18.10.2019
ajp

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